

Exhibit A

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

BARBARA E. VARNER,
Plaintiff,

CIVIL ACTION
NO. 1:CV 01-0725

vs.

COMMONWEALTH OF PENNSYLVANIA,
NINTH JUDICIAL DISTRICT,
CUMBERLAND COUNTY; CUMBERLAND
COUNTY; S. GARETH GRAHAM,
individually, and JOSEPH
OSENKARSKI, individually,
Defendants.

(JUDGE YVETTE KANE)

VOLUME 1

Pages 1 to 228

Deposition of: BARBARA E. VARNER

Taken by : Defendant Cumberland County

Date : January 27, 2003, 9:35 a.m.

Before : Emily Clark, RMR, Reporter-Notary

Place : Administrative Offices of
Pennsylvania Courts
5035 Ritter Road, Suite 700
Mechanicsburg, Pennsylvania

APPEARANCES:

DEBRA K. WALLET, ESQUIRE
For - Plaintiff

ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS
BY: A. TAYLOR WILLIAMS, ESQUIRE
For - Defendant Commonwealth of Pennsylvania
Ninth Judicial District, Cumberland County

THOMAS, THOMAS & HAER
BY: JAMES K. THOMAS, II, ESQUIRE
PAUL J. DELLASEGA, ESQUIRE
For - Defendant Cumberland County

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1 **job, then I would say no.**
2 Q Meaning that even if you had an affair with Mr. Graham,
3 it would be a valid cause of action?
4 A. **In any situation, work environment, if at any time a**
5 **relationship between two people interferes with that job**
6 **or the environment of the employment, it is a problem.**
7 Q Did you previously degree in our last meeting that if
8 such an affair existed, that there would be no validity
9 to this litigation?
10 A. **I don't think I completely answered that, because if it**
11 **interferes with your work environment in any way, shape**
12 **or form, then it is a problem.**
13 Q I'm not sure I understand your answer exactly. You say
14 that there was no such affair, correct?
15 A. **That's correct.**
16 Q And if I recall our previous conversation correctly, you
17 agreed unequivocally that if such an affair had existed,
18 then there would be no merit in this litigation. Are
19 you changing your mind in that regard?
20 A. **If it did not interfere in the work environment at all,**
21 **I don't think it's a problem. Morally it is wrong, but**
22 **I don't think if it did not interfere with the work**
23 **environment, cause a hostile environment, positive or**
24 **negative for myself, then there would not be an issue.**
25 Q Well, how would the affair, a consensual affair not

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1 interfere in your interpersonal relationships in the
2 work environment?
3 A. **I think there are people that can probably keep things**
4 **separate. Perhaps they're not in the same department,**
5 **perhaps they're not in a supervisory or employee**
6 **position. I don't know that.**
7 Q Have you ever had occasion to have an extramarital
8 affair of any kind?
9 A. **No, I didn't.**
10 Q And this is your second marriage; is that correct?
11 A. **Yes, it is.**
12 Q Did you have any extramarital affairs in your first
13 marriage?
14 A. **I did not.**
15 Q Have you ever had occasion to kiss Mr. Graham?
16 A. **I did not.**
17 Q Have you ever had any type of intimate physical
18 relationship with Mr. Graham of any type?
19 A. **No.**
20 Q You've had no intercourse with him?
21 A. **No.**
22 Q No oral sex with him?
23 A. **Absolutely not.**
24 Q And no anal sex with him?
25 A. **Absolutely not.**

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1 Q Have you ever held hands with Mr. Graham?
2 A. **I have not.**
3 Q Has Mr. Graham ever been inside your residence at Maple
4 Drive?
5 A. **Yes, he has.**
6 Q Can you tell me when?
7 A. **I had started working for Juvenile Probation. There was**
8 **a time that he picked me up to go to York, I believe to**
9 **pick up a kid from detention. I was getting ready. My**
10 **husband was in the house, he was in the shower.**
11 **Mr. Graham came with the county car to pick me up. Came**
12 **in, asked to use the telephone, had a cup of coffee, I**
13 **believe. And we left from there to pick up the kid to**
14 **transport him to court.**
15 Q And this was Maple Drive?
16 A. **Yes, it was.**
17 Q I want to explore that in a little detail.
18 A. **Okay.**
19 Q Do you remember when that was?
20 A. **It had to be in 1995 to '96.**
21 Q Refresh my recollection as to when you started with
22 Juvenile Probation.
23 A. **February 7th, 1995.**
24 Q Is that how you placed the date, because it was within a
25 year of when you commenced?

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1 A. **Yes.**
2 Q And he was picking you up and you were going to
3 transport a juvenile?
4 A. **We were to pick up a juvenile at York Detention Center.**
5 **I live halfway between Harrisburg and York, so it was**
6 **convenient for him to pick me up.**
7 **We took the kid to court, returned him to the**
8 **detention center.**
9 Q Where exactly is your residence at Maple Drive? Give me
10 directions on how you get there.
11 A. **South 83, off the Yocumtown exit. And it's**
12 **approximately a mile and a half from the exit.**
13 Q On this particular occasion Mr. Graham came to the house
14 to pick you up, correct?
15 A. **That's correct.**
16 Q And did you invite him in?
17 A. **He knocked on the door and he asked if he could use the**
18 **phone to make a personal phone call.**
19 Q What was the nature of your relationship with Mr. Graham
20 at this time in '95 or '96?
21 A. **He was a supervisor. He was assigned, not officially,**
22 **but he was to train me.**
23 Q Were you on good terms?
24 A. **Yes.**
25 Q Did you consider him a personal friend?

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1 Q Who did you live there with?
2 A. My husband Lee. My son lived there briefly. And my
3 daughter also had a room. She was in college and she
4 would come home.
5 Q She was in college at West Chester?
6 A. Yes.
7 Q When was that, Mrs. Varner?
8 A. 1990.
9 Q For just one year?
10 A. **Approximately a year and a half we lived there.**
11 Q How about the residence before that?
12 A. **I lived at Apple Drive in Mechanicsburg.**
13 Q Was that with your first husband?
14 A. **Yes, it is. Was.**
15 Q For the record, what was his name?
16 A. **Kenneth Spidle, S-P-I-D-L-E, Jr.**
17 Q Has Mr. Graham ever seen you naked?
18 A. No.
19 Q Do you have a small scar at the base of your spine?
20 A. No.
21 Q Have you ever had any back surgery?
22 A. No.
23 Q Have you ever told anybody that you have a double nipple
24 on your right breast?
25 A. No.

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1 Q Do you, in fact, have a double nipple on your right
2 breast?
3 A. **No, I do not.**
4 Q Do you have any type of cartilage condition on your
5 right breast?
6 A. No.
7 Q On either breast?
8 A. No.
9 Q Have you ever used the term mature adult relationship?
10 A. No.
11 Q Never used that term with anyone?
12 A. **Not that I can recall.**
13 Q In 1994 did you take a bus trip to Atlantic City?
14 A. **Yes, I did.**
15 Q Who went with you?
16 A. **I went by myself.**
17 Q Was Mr. Graham on that trip?
18 A. **He was on the bus.**
19 Q Where were you going?
20 A. **I was going to Atlantic City.**
21 Q For what purpose?
22 A. **To lay on the beach.**
23 Q You were going alone?
24 A. **Yes, I was.**
25 Q Who knew that you were going to Atlantic City alone?

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1 A. My husband, my daughter, my mother. Possibly everybody
2 **within -- many people in the office. I had just**
3 **graduated from undergrad and I would make comments as**
4 **you would hear from the Super Bowl, so what are you**
5 **going to do. People would say, I'm going to Disney**
6 **World. My comment would be I'm going to Atlantic City.**
7 Q To lie on the beach alone?
8 A. **Absolutely.**
9 Q How was it that Mr. Graham ended up on the bus?
10 A. **I have no idea.**
11 Q Did you meet or see anybody else from your employment
12 while you were on the bus?
13 A. **Yes. Carol Snokes, a secretary from our office, and I**
14 **believe it was her fiance was on.**
15 Q Wayne Shearer?
16 A. **Yes. And I invited them to sit in front of me.**
17 Q Where did Mr. Graham sit?
18 A. **He was sitting in the back, I believe at the very back**
19 **row.**
20 Q Did you have any conversation with Mr. Graham during the
21 trip?
22 A. **Yes. As more people got on at the last stop in**
23 **Harrisburg is where Carol Snokes and her boyfriend got**
24 **on. It was after that time Mr. Graham moved up and**
25 **gave, must have given somebody else his seat, and sat**

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1 **down beside me.**
2 Q What conversation did you have with Mr. Graham?
3 A. **General business. He said he was going to visit his**
4 **sister. Apparently his wife and children were going to**
5 **go with him that day.**
6 Q He told you he was going to visit his sister?
7 A. **That's correct.**
8 Q What explanation, if any, did you give Carol Snokes and
9 Wayne Shearer as to why you were on the bus or where you
10 were going?
11 A. **I told Carol I was going down to lay on the beach, that**
12 **I passed my undergrad and that was my goal.**
13 Q So if I understand correctly, as the trip progressed
14 after leaving Harrisburg, you and Mr. Graham were
15 sitting together?
16 A. **Yes.**
17 Q Is that correct?
18 A. **That's correct.**
19 Q And Carol Snoke and Wayne Shearer were sitting in the
20 seat in front of you?
21 A. **That's correct.**
22 Q After you got to Atlantic City tell me what you did.
23 A. **I walked through one of the casinos and went out to the**
24 **beach.**
25 Q Do you remember which casino?

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<p>1 worked as a hairdresser for a funeral parlor and that</p> <p>2 was, say, '83, '84, around this time. I'm just</p> <p>3 guessing. And then I obtained work at Holiday Hair.</p> <p>4 That again was part-time.</p> <p>5 Q You say that was part-time?</p> <p>6 A. Yes. That also was very short-lived.</p> <p>7 Then in 1980 I -- I started working part-time for</p> <p>8 the Capital Area Intermediate Unit.</p> <p>9 Q In 1980?</p> <p>10 A. Yes, around '80.</p> <p>11 Q What were you doing for them?</p> <p>12 A. I was a swimming instructor.</p> <p>13 Q Was that part-time?</p> <p>14 A. Yes, until 1985, when I came full-time as a teaching</p> <p>15 assistant for the Intermediate Unit. And I continued</p> <p>16 working the school year, full-time school year until</p> <p>17 1989 when I went to the county.</p> <p>18 Q And that was a full-time job at Capital Area</p> <p>19 Intermediate Unit?</p> <p>20 A. Yes, it was.</p> <p>21 Q What was your rate of pay there? Approximately.</p> <p>22 A. Yes. I'm guessing maybe 9,000 a year.</p> <p>23 Q As part of the Capital Area Intermediate Unit did you</p> <p>24 have an employee handbook or manual?</p> <p>25 A. Yes.</p>	<p>1 Q What was your reason for leaving the Capital Area</p> <p>2 Intermediate Unit?</p> <p>3 A. I took a Civil Service exam and applied for a caseworker</p> <p>4 position. And then I was interviewed by Children and</p> <p>5 Youth and decided to go there. It was more money. It</p> <p>6 was also in line with my degree aspirations.</p> <p>7 Q How did you learn that the job was available?</p> <p>8 A. Civil Service. I scored high on the Civil Service test,</p> <p>9 was put on a caseworker list, and Children and Youth was</p> <p>10 I guess the one that came up and they notified me about</p> <p>11 an interview.</p> <p>12 Q Do you remember who you spoke to initially at the</p> <p>13 county?</p> <p>14 A. My interview was with Darlene Orr.</p> <p>15 Q And obviously you were hired for Children and Youth,</p> <p>16 right?</p> <p>17 A. Yes, that's correct.</p> <p>18 Q And initially hired as a caseworker trainee?</p> <p>19 A. Right.</p> <p>20 Q At a rate of pay of about \$15,000 a year?</p> <p>21 A. That's correct.</p> <p>22 Q When did you first meet Mr. Graham?</p> <p>23 A. Probably the beginning of 1990 somewhere, the first</p> <p>24 couple months of 1990.</p> <p>25 Q How did you meet him?</p>
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<p>1 Q And as early as 1985, since that's when you went</p> <p>2 full-time, you were aware that sexual harassment or</p> <p>3 discrimination was prohibited in that workplace?</p> <p>4 A. I can't remember reading about it, but I would assume.</p> <p>5 Q Do you recall reading the employee handbook at the</p> <p>6 Capital Area Intermediate Unit at any time?</p> <p>7 A. As needed, sure.</p> <p>8 Q Did you have occasion to file any claims or complaints</p> <p>9 against any of the personnel of the Capital Area</p> <p>10 Intermediate Unit?</p> <p>11 A. Claims?</p> <p>12 Q Complaints about any of your co-workers or supervisors.</p> <p>13 A. No.</p> <p>14 Q Did you follow any grievance procedures while employed</p> <p>15 at the Capital Area Intermediate Unit about anything?</p> <p>16 A. No.</p> <p>17 Q What did you do as a teaching assistant?</p> <p>18 A. I was in the classroom for the first three years, I was</p> <p>19 in a visually impaired classroom. So I taught Braille.</p> <p>20 We did a lot of orientation and mobility skills. They</p> <p>21 were multiple handicapped, they were mentally retarded.</p> <p>22 Some were physically handicapped. The overriding</p> <p>23 problem was their vision, though, so we focused on the</p> <p>24 visual problems. It was aiding the teacher, helping</p> <p>25 assist the teacher.</p>	<p>1 A. One of my fellow case workers was taking me around the</p> <p>2 different departments, introducing me to different</p> <p>3 staff.</p> <p>4 Q Did you two have occasion to work together?</p> <p>5 A. Yes.</p> <p>6 Q Tell me when and on what.</p> <p>7 A. We shared several cases. I would have the children as</p> <p>8 dependent children, mostly neglect children, and</p> <p>9 Mr. Graham was supervising the father in these homes.</p> <p>10 Q What was your opinion of Mr. Graham in 1991, 1992?</p> <p>11 A. If I would ask for his assistance with the one gentleman</p> <p>12 who had a very violent temper, he would call him in and</p> <p>13 talk to him. The gentleman would not let me in to see</p> <p>14 his children a lot of times, and I had to see the</p> <p>15 children. So he would call him in. Or he would go down</p> <p>16 to see the gentleman, which is a block down the street,</p> <p>17 and try to get him in line, and let him know that I had</p> <p>18 to see the children. So it was more of an assistant to</p> <p>19 me as a probation officer and me as a caseworker.</p> <p>20 Q What was your opinion of him personally?</p> <p>21 A. Personally, I don't think I had a real opinion of him.</p> <p>22 It's just that he was helpful when I needed the help</p> <p>23 with certain clients.</p> <p>24 Q During the first three years you were at the county, how</p> <p>25 often did you deal with Mr. Graham on cases?</p>

1 A. We had shared two sexual offender cases; he had the
2 offender and I had the children. And the other one was
3 a severe neglect case.

4 Q So how often?

5 A. As needed if there was a problem.

6 Q Can you give me an estimate of how many times a year you
7 were dealing with Mr. Graham asking for assistance?

8 MS. WALLET: I'll object to the form of that
9 question. That's sort of a two-part question. You want
10 to break that down?

11 MR. THOMAS: Sure.

12 BY MR. THOMAS:

13 Q What I'm trying to learn, Barbara, is the amount of
14 contact that you had with Mr. Graham, and we can do it
15 any way you choose. What I'm looking for is how often
16 during a given year, let's take 1991, how many times in
17 1991 did you have occasion to deal with Mr. Graham,
18 either asking assistance or working on a case with him?

19 A. That would be the period where I had the high-risk
20 child, well, three children. I would --

21 Q The sex offender cases?

22 A. No. This would be the neglect, severe neglect case.

23 And I would say probably contact, maybe once a month.

24 It could be phone conversation, asking for his
25 assistance. To actually physically get involved, that

1 might have been two or three times in a year.

2 I would see him in the break room, we would discuss
3 the case, how are things going, that kind of thing.

4 Q How about 1992, how much contact did you have with
5 Mr. Graham during 1992?

6 A. I would say probably approximately the same, because I
7 know we had two or three cases where, again, the men,
8 the father was volatile, and I was to supervise the
9 children.

10 Q And so once a month you would have phone contact with
11 him, and maybe two or three times during the year you
12 would actually have to have him physically intervene and
13 you would see him on those occasions?

14 A. When he actually intervened?

15 Q Yes.

16 A. There was a time when the gentleman would not even let
17 me in the house to see the children. I called him and I
18 asked for his assistance to meet me down there. It was
19 a high-neglect family, real concerned about the youngest
20 one not being able to thrive. So I had to see his
21 children. So I did ask for his assistance to meet me
22 there and do what he had to do with the father.

23 Q How about 1993?

24 A. '93? Again, cases that we shared, sexual offender kept
25 coming back into the home. He was under Mr. Graham's

1 jurisdiction. Asked him for assistance to go, either
2 meet me at the house, because of the fear of what he
3 would, the father would do to me.

4 Q Was the amount of contact that you had with Mr. Graham
5 about the same? Telephone once a month?

6 A. Probably, yes. I would guess.

7 Q And maybe a couple, two to three face-to-face occasions?

8 A. Yes.

9 Q How about 1994?

10 A. If there was a case we shared, it would be the similar.
11 It would be similar to that.

12 Q So again, once a month?

13 A. Um-hum.

14 Q And two or three face-to-face visits?

15 A. Right. That's a guesstimate.

16 Q Understood. And of course, in February of '95 you
17 transferred to Probation and then you worked closely
18 with him after that?

19 A. That's correct.

20 Q During this period of that we're talking about, and I
21 want to restrict my questions at the moment between 1990
22 and 1994, did you have any other contact or dealings
23 with Mr. Graham other than what we've described?

24 A. Not that were not work related. Like I said, in the
25 break room, there was times I would see him in there.

1 General conversation.

2 Q When you say you saw him in the break room on occasion,
3 can you quantify for me how often in the period 1990
4 through 1994 you saw him in the break room?

5 A. Perhaps maybe once or a couple times a week. All of our
6 lunches and everything were kept in there.

7 Q And is that when you saw him, over lunch?

8 A. No. I'm just saying that's where we stored our lunch.

9 It would be just going over.

10 Q When did you see him in the break room?

11 A. There's no really set time. It was just occasionally.
12 A lot of people would eat lunch in the break room as
13 well.

14 Q Did you ever eat lunch in the break room?

15 A. Once in a while, yes.

16 Q Did you ever eat with Mr. Graham in the lunch room?

17 A. No.

18 MS. WALLET: I assume that question is seated at
19 the same table?

20 MR. THOMAS: In the room.

21 THE WITNESS: Oh. That's possible. I don't
22 remember.

23 BY MR. THOMAS:

24 Q If I understand your testimony correctly, it is that
25 and, again, I get the impression that this was a pretty

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1 infrequent occurrence?
 2 A. **Um-hum.**
 3 Q That you did not -- you have to say yes for the record.
 4 A. **Yes.**
 5 Q You didn't see him on a regular basis in the break room
 6 during the work week?
 7 A. **No.**
 8 Q And you didn't see him outside the workplace except on
 9 very, very rare occasions; is that fair?
 10 A. **That's fair. That's true.**
 11 Q And the occasions which you saw him in the break room
 12 were just coincidence? Just happened to both be there
 13 at the same time?
 14 A. **Yes.**
 15 Q The best you're able to tell me is you would estimate
 16 that during the period 1990 through 1994 at a couple of
 17 times a week? Is that accurate?
 18 A. **That's accurate.**
 19 Q Did you ever call Mr. Graham and ask him to meet you in
 20 the break room?
 21 A. **No.**
 22 Q Did you ever call him and ask to meet anywhere?
 23 A. **Down at the one client's house, yes, I did.**
 24 Q And on how many occasions was that? Once?
 25 A. **Maybe twice.**

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1 Q So other than those two occasions when you called and
 2 asked him to meet down at the client's house, you did
 3 not call Mr. Graham and ask him to meet you anywhere?
 4 A. **No.**
 5 Q And the occasions on which you and he ended up in the
 6 break room were merely coincidence and happened maybe a
 7 couple of times a week?
 8 A. **That's correct.**
 9 Q How would you describe your relationship with Mr. Graham
 10 in the period 1990 through 1994?
 11 A. **Working relationship.**
 12 Q Friendly?
 13 A. **Cordial.**
 14 Q How well did you feel that you knew Mr. Graham during
 15 that period?
 16 A. **As well as I would know any other co-worker.**
 17 Q And no better?
 18 A. **No. No.**
 19 Q Meaning you didn't feel you knew him any better than any
 20 of your other co-workers?
 21 A. **No.**
 22 Q You won't describe your relationship as a close one
 23 during that period? Meaning 1990 through 1994.
 24 A. **No.**
 25 Q And I guess would you describe it as sort of a

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1 professional co-worker type arrangement?
 2 A. **That's correct.**
 3 Q Were you aware of any rumors with respect to you having
 4 an intimate relationship or an affair with Mr. Graham
 5 during that period?
 6 A. **No.**
 7 Q You don't recall anybody asking you whether or not you
 8 were having an affair with Mr. Graham?
 9 A. **No.**
 10 Q There was no discussion with you by anybody suggesting
 11 that you were too close to him?
 12 A. **No.**
 13 Q How did it happen that you transferred to the Probation
 14 Department in February of 1995?
 15 A. **I had applied for a position the year before, when I was
 16 still doing my undergrad work, with the Chief Bolze. At
 17 that time he told me I needed to have an undergrad
 18 degree.**
 19 **And then a friend of mine, Lynn Dickerson, was
 20 doing her internship in Juvenile Probation, working on a
 21 grant that was called Family Preservation. She had
 22 spoken to me about how I had worked with a local mental
 23 health program, establishing their Family Preservation
 24 program. In Children and Youth I was an in-home
 25 protective service worker, which meant most of my**

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1 **emphasis was on family involvement and keeping the**
 2 **children in the home. So Lynn and I spoke about this,**
 3 **that she was working on this grant and that she was the**
 4 **same age, she was a criminal justice major with me at**
 5 **school. And --**
 6 Q I thought you were a social science major?
 7 A. **That was my associate degree. My undergrad was in**
 8 **criminal justice.**
 9 Q Okay.
 10 A. **And she had spoke to me about this position, how it**
 11 **would be a nice blend of my criminal justice degree plus**
 12 **my Family Preservation experience, and recommended that**
 13 **I should apply for the position.**
 14 Q When was that conversation?
 15 A. **I think her internship was the summer of '94.**
 16 Q Were there any other factors that influenced your
 17 decision to apply for a transfer to the Probation
 18 Department?
 19 A. **I had met with Mr. Osenkarski and we had discussed the**
 20 **position. He was aware that my degree was in criminal**
 21 **justice and he knew what my background was with Children**
 22 **and Youth as protective services.**
 23 **I also liked the idea that it was not a**
 24 **micromanaged department, that you were more independent**
 25 **and that Mr. Osenkarski trusted you to be able to manage**

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1 your own time and do your own thing, which was different
2 than it was with Children and Youth.

3 But mostly is my field was criminal justice and I
4 really wanted to be able to get into it, and this was a
5 good opportunity.

6 Q Did your relationship with Mr. Graham play any role in
7 your decision to ask for a transfer to the Probation
8 Department?

9 A. I would say no. In fact, Mr. Graham left me know not to
10 let Mr. Bolze know that I was interested because they
11 did not have a good relationship. So that was
12 downplayed, the fact I even knew Mr. Graham that well.

13 Q So you downplayed your --

14 A. I didn't mention, you know, I was not coming in saying
15 I'm here because Mr. Graham recommended me. It was none
16 of that.

17 Q And you say you downplayed your relationship with
18 Mr. Graham. Downplayed it to whom?

19 A. Not downplayed it. I -- not to mention to Mr. Bolze
20 that Mr. Graham was -- or Mr. Osenkarski wanted me to
21 come over into that position.

22 Q Did Mr. Graham, in fact, want you to come over to the
23 Probation Department?

24 A. He had spoken to me and Lynn Dickerson about the
25 position, that they needed two probably two females,

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1 probably in the case worker or social work field and,
2 you know, criminal justice, that they thought it was a
3 more of a woman type position because it was social
4 work, and whether I was interested or not.

5 Q And when did that conversation occur, Barb?

6 A. That would probably be while Lynn was there doing her
7 internship.

8 Q 1994? During the summer of 1994 --

9 A. Right.

10 Q -- Mr. Graham and Mr. Osenkarski both advised you that
11 these positions were going to come --

12 A. Yes.

13 Q -- in the Probation Department, correct?

14 A. Yes, that's correct.

15 Q And that they thought it would be an appropriate
16 position for a female?

17 A. Yes.

18 Q Did they tell you why they thought it would be an
19 appropriate position for a female?

20 A. I think because it was social-worky aspect, it's more
21 social work because you're dealing with families, a lot
22 of intensive -- part of the Family Preservation was
23 teaching parents parenting programs, that kind of thing,
24 intensively in the home.

25 Q And there were female probation officers at that time?

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1 A. There was, I believe there was three at that time.

2 Q And in searching for this job they were actively out
3 soliciting you as an interested female in that position,
4 correct?

5 A. I think it was more I approached them. I talked to
6 Mr. Osenkarski about it. Mr. Graham -- I knew they were
7 writing the grant. He had brought Lynn Dickerson down
8 to meet me. And like I said, I already knew Lynn from
9 going to class with her at HACC.

10 Q And this conversation that you've described occurred
11 with each of them? Or the two of them at the same time?

12 A. Possibly both. Probably with both of them at one time
13 and on separate occasions. He would come down and ask
14 me when I was with Children and Youth, which is right
15 down the hall, he would come down and ask for some
16 paperwork of what we used, like maybe the family service
17 plan that we used with Children and Youth, those kind of
18 things, tools, that could be translated into the Family
19 Preservation program.

20 Q When you say he came down the hall, can you identify he
21 for me?

22 A. Mr. Graham.

23 Q How often did he come down the hall to see you and make
24 requests of any type?

25 A. I would say that was only maybe two times. It was

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1 mostly for paperwork.

2 And I know Lynn came down as well, trying to get
3 paperwork from me regarding the Family Preservation
4 program that I had been involved in.

5 Q So as a result of those conversations, you made formal
6 application for the job?

7 A. Yes.

8 Q Did you complete a formal written application?

9 A. No.

10 Q Who did you advise that you were interested in the job?

11 A. Ken Bolze. Chief Ken Bolze.

12 Q Tell me how you got hired.

13 A. I was interviewed by Chief Bolze, John Roller, who was
14 an adult supervisor, and Mr. Osenkarski. And I believe
15 that, by the three gentlemen.

16 Q I gather from the testimony you've given already that
17 Children and Youth and Probation had occasion to work
18 together?

19 A. Absolutely.

20 Q And where were they physically located within the
21 courthouse? Were they close together?

22 A. Yes. We were all on the third floor. The only thing
23 that separated us was a door. We were in what's called
24 the east wing and they were on the main courthouse. So
25 it was a matter of just around the corner and down the

<p style="text-align: right;">Page 90</p> <p>1 hall.</p> <p>2 Q So there was a fair amount of interaction and close</p> <p>3 proximity in terms of physical location, between the two</p> <p>4 departments?</p> <p>5 A. Yes.</p> <p>6 Q Is that fair?</p> <p>7 A. It was a common lunch room as well.</p> <p>8 Q What was your understanding of the reputation of</p> <p>9 Mr. Graham when you were interviewed for this position</p> <p>10 in late 1994 or early 1995?</p> <p>11 A. Reputation? I had heard he was a hot head, that he</p> <p>12 really would get angry quickly. And I was, knew that</p> <p>13 Mr. Osenkarski and Mr. Graham, either you were in good</p> <p>14 favor with them or you were basically being punished.</p> <p>15 And at that point I appeared to be in good favor.</p> <p>16 Q Why do you say that?</p> <p>17 A. Because I did -- it seems like they wanted me to come to</p> <p>18 that position. They were very positive about that.</p> <p>19 Q And you wanted to go to the position, also?</p> <p>20 A. Yes, I did.</p> <p>21 Q And as I understand it, it was because it was within</p> <p>22 your area of study, which was criminal justice?</p> <p>23 A. That's correct.</p> <p>24 Q And also, there was a \$9,000 pay raise or something like</p> <p>25 that involved, right?</p>	<p style="text-align: right;">Page 92</p> <p>1 that time?</p> <p>2 A. Yes. He was in Juvenile Probation.</p> <p>3 Q Did you have an understanding that if hired, it was</p> <p>4 likely that he would be the person responsible for</p> <p>5 training you?</p> <p>6 A. Yes.</p> <p>7 Q Did you have any reservations about that?</p> <p>8 A. No, because I knew Mr. Osenkarski was still his boss.</p> <p>9 And Chief Bolze, I had a lot of respect for him and I</p> <p>10 knew he was still overseeing the whole group.</p> <p>11 Q Based on the reputation that Mr. Graham was a hot head</p> <p>12 and you were either in favor or out of favor, did that</p> <p>13 cause you any hesitancy or concerns in terms of</p> <p>14 accepting the job?</p> <p>15 A. Maybe a little hesitancy, but like I said, I knew Chief</p> <p>16 Bolze basically kept them in line.</p> <p>17 Q When was the job formally offered to you and by whom?</p> <p>18 A. It was offered to me by Chief Bolze, and exactly when, I</p> <p>19 don't know. Sometime in January.</p> <p>20 Q And you then told Children and Youth you would be</p> <p>21 leaving and moving over to Probation, correct?</p> <p>22 A. That's correct.</p> <p>23 Q Who did you understand was ultimately in charge of the</p> <p>24 Probation Department?</p> <p>25 A. Chief Bolze. Well, Judge Sheely. Judge Sheely at that</p>
<p style="text-align: right;">Page 91</p> <p>1 A. Yes.</p> <p>2 Q Were there any other reasons why you wanted to transfer</p> <p>3 to the probation?</p> <p>4 A. As I said, I think it was a whole attitude,</p> <p>5 Mr. Osenkarski, that it was not a micromanaged. In</p> <p>6 Children and Youth there was so much meetings, meetings</p> <p>7 after meetings. It was not so much time out actual in</p> <p>8 it field as much time as you should be out in the field,</p> <p>9 where with Probation Mr. Osenkarski left me know that he</p> <p>10 doesn't micromanage, he depends on his workers to do</p> <p>11 their job. And to me, that was very interesting because</p> <p>12 Children and Youth when you first start out you were</p> <p>13 training, so.</p> <p>14 Q Did you have any impression from those interviews who</p> <p>15 you would actually be working with when you were</p> <p>16 transferred to Probation? If you were accepted for the</p> <p>17 job.</p> <p>18 A. Mr. Bolze, of course, was chief. And Mr. Osenkarski</p> <p>19 was, headed up the juvenile division of the Department</p> <p>20 at those interviews, the only three people there.</p> <p>21 Q Was there any discussion about who you would be working</p> <p>22 for or working with?</p> <p>23 A. I knew the position would be under Juvenile Probation.</p> <p>24 It was the grant under the juvenile system.</p> <p>25 Q And did you know where Mr. Graham was concentrating at</p>	<p style="text-align: right;">Page 93</p> <p>1 time.</p> <p>2 Q And why Judge Sheely?</p> <p>3 A. Because we were officers of the court and he was the</p> <p>4 president judge.</p> <p>5 Q And it was your understanding that Judge Sheely then had</p> <p>6 ultimate authority over the probation officers in that</p> <p>7 department?</p> <p>8 A. Yes.</p> <p>9 Q And Ken Bolze was the chief of the department and he</p> <p>10 reported to Judge Sheely?</p> <p>11 A. For, yes, hiring, firing, those kind of things.</p> <p>12 Q So you took the job, you started there on February 6,</p> <p>13 1995, correct?</p> <p>14 A. I believe it was February 7th, 1995.</p> <p>15 Q And your salary there would have been \$24,868 when you</p> <p>16 started; does that sound right?</p> <p>17 A. That sounds correct.</p> <p>18 Q Describe for me, if you would, what the hierarchy was in</p> <p>19 terms of management when you got there on February 7th,</p> <p>20 1995.</p> <p>21 A. Chief Bolze was the chief. Mr. Osenkarski was a</p> <p>22 supervisor and mostly in juvenile work. I believe he</p> <p>23 did split, too, adult and juvenile. And John Roller was</p> <p>24 more adult than juvenile.</p> <p>25 Q Where did Mr. Graham fall in the pecking order?</p>

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- 1 A. Mr. Graham would have been emphasis on juvenile under
2 both John Roller and Chief Bolze, but predominantly
3 working for Mr. Osenkarski.
- 4 Q Where were you assigned when you first started in
5 February?
- 6 A. I was assigned to the Family Preservation unit.
- 7 Q And who did you report to?
- 8 A. Mr. Graham was my trainer. He's the one that was
9 supposed to be training me how to be a probation
10 officer. Mr. Osenkarski was the supervisor. And
11 ultimately it would be Ken Bolze.
- 12 Q So the chain of command from you was to Graham,
13 Osenkarski, and Bolze?
- 14 A. That's correct.
- 15 Q Did you have any problems with Mr. Graham when you first
16 started to work there in February of 1995?
- 17 A. No.
- 18 Q Did you work with him on a daily basis?
- 19 A. Pretty fairly, yes. Pretty much.
- 20 Q Did you share an office?
- 21 A. Yes. Not with -- with who?
- 22 Q And with whom did you share it?
- 23 A. I did share an office. I was with Buck McKenrick and
24 Mike Piper.
- 25 Q What did your training consist of?

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- 1 A. Writing petitions, the paperwork, the court work. Doing
2 a case from the beginning to end, from intake to
3 deposition -- disposition, I'm sorry, to disposition.
4 Supervising the juveniles, wherever they are.
5 Placement. Paperwork. Basically all the paperwork
6 that's needed to do the job. Time sheets. Mileage
7 sheets.
- 8 Q How would you describe your relationship with Mr. Graham
9 as your trainer?
- 10 A. I would describe him as a poor trainer.
- 11 Q In what way?
- 12 A. Just getting by with a minimal, just basically whatever
13 you can get away with.
- 14 Q Give me some examples.
- 15 A. Supervision, if he would take me out to show me how to
16 supervise, he would pretend to throw a card at
17 somebody's house and say there's a contact, rather than
18 actually doing the face-to-face with the kids. Just
19 basically poor leadership.
- 20 Q And you say poor leadership, what do you mean by that?
- 21 A. If you're supposed to learn by example, that was a poor
22 example. That you needed to, in my job as a caseworker
23 at any time I have worked it's important that you see
24 your clients, you do the face-to-face, you take time to
25 know the families. That didn't seem to be relevant to

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- 1 him. His interest seemed to be in making it, his job
2 convenient for him.
- 3 That would -- if he's on the way to somewhere he
4 might make a stop someplace on his of personal interest.
5 Like I said, he would pretend to throw cards at the
6 houses and say that would be a contact. That's poor
7 leadership.
- 8 Q Any other examples of what you would describe as poor
9 leadership or poor training?
- 10 A. Inconsistent in how he wanted paperwork done, petitions,
11 court paperwork.
- 12 Q Did you have occasion to discuss what you've described
13 as poor leadership or poor training with either of the
14 other direct reports above you? And by that I mean with
15 either Mr. Osenkarski or Mr. Bolze.
- 16 A. During that time I also was aware that either you're in
17 favor or you're punished, and I really did not want to
18 fall into the punishment mode. So to question things at
19 that point, just sort of left them ride. And that I
20 learned from other people in our department it was easy
21 to go from one officer to another for training to get
22 information. And I found a lot of other resources. I
23 could learn to do petitions and, you know, social
24 histories from them.
- 25 Q So I guess the answer is you never complained about

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- 1 Mr. Graham's leadership or training to anybody?
- 2 A. At the very beginning, no. In '95, no.
- 3 Q When did you first complain about any problems with
4 Mr. Graham's leadership or training?
- 5 A. Whenever I went to Mr. Osenkarski, there was a day that
6 I had taken cases in to Mr. Graham in '96 -- '96, '97.
7 I had taken cases in to him. And I had done everything
8 that was supposed to be done, gotten everything
9 together. And he started screaming at me and said who
10 the F, meaning, do I think I am, making decisions on
11 these cases.
- 12 When I worked, turned cases in to Mr. Osenkarski, I
13 never had a problem with going ahead and making a
14 decision on what I would recommend for disposition on
15 the juvenile. Suddenly, I had done everything wrong,
16 according to him. He screamed at me, threw me out of
17 his office. And I went to Mr. Osenkarski and I said,
18 you have to get the guy under control. And he said,
19 he's in charge, I put my so many years in with the
20 county and he's in charge.
- 21 Q When was this?
- 22 A. It was in '97.
- 23 Q So from February 1995 when you started until sometime in
24 1997, you never complained about Mr. Graham's leadership
25 or training?

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1 A. Not to him. To other people. Other people agreed with
 2 **me, other staff members, co-workers.**
 3 Q But you never went up the chain of command to
 4 Mr. Osenkarski prior to 1997?
 5 A. **Like I said, I sought out other help as far as**
 6 **petitions. He was not -- he was not screaming at me or**
 7 **those kind of things, which happened later on. But I**
 8 **was aware that he was inconsistent.**
 9 Q We'll come back to that in a minute. But what do you
 10 attribute the change of behavior to?
 11 A. **Whenever Chief Bolze retired and we split adult and**
 12 **juvenile and there was not that person who could**
 13 **basically keep the lid on Mr. Graham, which would have**
 14 **been Chief Bolze. It was now only Mr. Osenkarski.**
 15 Q Up until the time of Bolze's retirement, you and
 16 Mr. Graham had a good relationship?
 17 A. **Working relationship.**
 18 Q And would you describe it as no better than a working
 19 relationship?
 20 A. **I would say no better than that, no.**
 21 Q When did Bolze retire?
 22 A. **August of '96.**
 23 Q So from February 1995 until August of 1996 you had no
 24 particular problem with Mr. Graham?
 25 A. **Not with any nasty or yelling at me, no.**

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1 Q No screaming?
 2 A. **No, not at that point.**
 3 Q No sexual harassment?
 4 A. **Yes, there was incidents of that, but not of the**
 5 **violence or fear that I had experienced later on.**
 6 Q We'll talk about the sexual harassment in a minute. But
 7 the episode of deterioration in the relationship, at
 8 least the screaming or fear as you've described it,
 9 didn't materialize until after August of 1996?
 10 A. **Until after Chief Bolze had retired.**
 11 Q At that point you had been working with him for a year
 12 and a half, or approximately that long, correct?
 13 A. **That's correct.**
 14 Q And had had no episodes of him losing his temper with
 15 you or screaming at you?
 16 A. **Not at me. With other people, but not at me.**
 17 Q Had he been complimentary of your work for that year and
 18 a half?
 19 A. **Chief Osenkarski at times was, but Graham, no.**
 20 Q Who was responsible for doing reviews on you?
 21 A. **Mr. Osenkarski and Mr. Graham signed as well.**
 22 Q Did you receive unfavorable reviews during the 18 months
 23 from February '95 until August of '96?
 24 A. **Initially Ken Bolze, when he was there he was also**
 25 **involved in evaluations, and they were fine. I had no**

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1 **problems with my evaluations.**
 2 Q At any time?
 3 A. **No.**
 4 Q Was there any particular event or happening that
 5 occurred as best you understand it in August of '96 that
 6 caused Mr. Graham to suddenly start screaming at you?
 7 A. I think he had free reign. Mr. Osenkarski took a back
 8 seat and turned everything over to Mr. Graham.
 9 Q But there was no specific event? Other than the
 10 retirement of Chief Bolze.
 11 A. **It was a slow progression. Slow progression that you**
 12 **could see the power and the authority he was just**
 13 **gaining, gaining the power, and you could feel that. He**
 14 **was angry most of the time.**
 15 Q What was he angry about?
 16 A. **It could be basically anything that I did.**
 17 Q And when did that start?
 18 A. **That would be after Chief Bolze retired.**
 19 Q After August of '96?
 20 A. Yes. Things that I had done right one time, that were
 21 **acceptable, now were wrong.**
 22 Q Give me some examples of those things.
 23 A. **Could be the way you do petitions. He just -- suddenly**
 24 **the wording wasn't right. No matter what I did, it was**
 25 **wrong. He didn't want me --**

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1 Q Referring to the petition now?
 2 A. **Petitions, court petitions, yes. Making decisions on**
 3 **cases he didn't agree with. And prior to that, that had**
 4 **been normal procedure. It was just a constant thing, no**
 5 **matter what it was, I was in the wrong.**
 6 Q I need you to be specific for me now in terms of what
 7 they were. You've described the petitions, he didn't
 8 like your wording. He was critical of some of the
 9 decisions or recommendations you made with respect to
 10 particular juveniles.
 11 A. **Right.**
 12 Q What else was he unhappy about?
 13 A. **He was unhappy that I would take trips with Ms. Green**
 14 **and we would leave after eight o'clock in the morning.**
 15 **And he screamed and he screamed and F word at me, that**
 16 **all placement trips, placement meaning placing juveniles**
 17 **start at eight o'clock in the morning.**
 18 **He told me that Debra Green and I had lied about a**
 19 **trip we had been on. It was a trip where we traveled up**
 20 **north, we ran into an icy area, had to detour, were an**
 21 **hour longer than he thought we should have been.**
 22 **Screamed and yelled, took an hour overtime from both of**
 23 **us. He said he would check the odometer. He said we**
 24 **were lying to him, where we were. There was not too**
 25 **many places to go.**

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1 He came in, he would take a piece of paper out of a
 2 file -- I had done an extensive list of victims of a
 3 crime spree that juveniles had committed --
 4 Q Sorry to interrupt you, but before we leave the trip,
 5 this criticism of you and Ms. Green and the trip up
 6 northeast, did that occur on more than just that one
 7 occasion?
 8 A. Not yelling about the trip, no. But informing us that
 9 we should have known the -- screaming that all
 10 commitment trips start at eight o'clock in the morning,
 11 which was not a pattern anybody else had to follow. We
 12 would observe males coming and going at will anytime
 13 they chose to go.
 14 Q Well, what about the other female probation officers,
 15 when did they come and go?
 16 A. There was only one other juvenile probation officer and
 17 that was Debra Green on the juvenile side.
 18 Q And this conversation or this episode that you're
 19 talking about was on the one occasion when you two took
 20 that trip to the northeast?
 21 A. Yes, it is.
 22 Q And he informed you that you were to come and go at
 23 eight o'clock on placement trips, period?
 24 A. Yes.
 25 Q And screamed at you?

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1 A. And screamed at me, yes.
 2 Q And used a loud tone of voice?
 3 A. He screamed at me on the phone and in the office at both
 4 Debra and myself, screamed and used the F word at us,
 5 and just constant. And probably used every swear word
 6 you could find.
 7 Q How long did he do this? You said he did it on the
 8 phone, he did it when he saw you in person in the
 9 office?
 10 A. Yes. On the cell phone, yes.
 11 Q And those two episodes, was that the extent of the
 12 reprimand for that eight o'clock departure?
 13 A. He took an hour of overtime from us. He said we had
 14 lied about where we were.
 15 Q And other than that, did he continue any other conduct
 16 toward you after that with respect to placement trips?
 17 A. With respect to that particular trip? I heard about it
 18 over and over again, reminding me that, you know, we had
 19 done that.
 20 Q And I interrupted you, I'm sorry.
 21 A. That's okay.
 22 Q Other episodes?
 23 A. There was an occasion --
 24 Q You were talking about a paper that you prepared?
 25 A. Right. I had an extensive list of victims of a robbery,

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1 and it was an extensive list, how I had made all the
 2 contacts, extensive calling contacting. For some reason
 3 it was -- he was not happy with that. He brought the
 4 file into -- well, I guess the file was on my desk. He
 5 came in and he picked up the paper that had the victims'
 6 names on. Debra Green was in my office with me. He
 7 threw the paper at me, hit me with a wadded paper, just
 8 saying this is no F-ing good, is not acceptable. Tried
 9 to ask him what was wrong with it. He just wouldn't
 10 hear it. He started moving pictures across my desk,
 11 putting his finger in my face in a very, very
 12 threatening manner, and just screaming.
 13 Q When was this?
 14 A. That would be early '97.
 15 Q Do you know the month?
 16 A. I can't recall at this time.
 17 Q And what was his objection to the piece of paper which
 18 you had prepared with the victims' names on it?
 19 A. I have no idea. He was just screaming it was not right.
 20 I don't know how else I could have done it any
 21 differently. Names, address, how I contacted them,
 22 whether I made contact or not. It was extensive.
 23 Q Did you report that behavior to anybody at that time in
 24 early '97?
 25 A. No. The whole office heard that. No. Mr. Osenkowski

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1 was not in the office too often.
 2 Q When you say that you felt threatened by his conduct
 3 that day, threatened in what way?
 4 A. He moved closely to me, within a foot of me. His finger
 5 was in my face. He was saying you don't know what the F
 6 you're doing. And using the word, the F word at me.
 7 Just very scary.
 8 Q Have you ever used the F word?
 9 A. Me?
 10 Q Yes.
 11 A. Only in describing perhaps what a kid has said to me.
 12 Q That's not something you use in your language?
 13 A. No, I don't.
 14 Q Certainly in working in the Probation Department that
 15 word doesn't come as a shock to you, though, does it?
 16 A. No, it doesn't shock me. It's offended once at me. I
 17 can hear it, but not at me, directed at me.
 18 Q Can I assume that in some of the episodes you had with
 19 your first husband that he may have used inappropriate
 20 language in his arguments with you?
 21 A. I can't recall him ever using the F word at me.
 22 Q Did he use other adjectives or adverbs that you found
 23 troubling at the time?
 24 A. I'm sure he did.
 25 Q Is there any other, and we'll go through your Complaint

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<p>1 here in a minute, but are there any other specific</p> <p>2 incidents in terms of difficulties with training or</p> <p>3 leadership that you want to bring to my attention at</p> <p>4 this time?</p> <p>5 A. There may be others but I can't, at this time I can't</p> <p>6 think of any, but I'm sure there's others.</p> <p>7 Q So in general, I gather, that you had at least a decent</p> <p>8 working relationship with Mr. Graham up until</p> <p>9 Mr. Bolze's retirement, correct?</p> <p>10 A. Yes.</p> <p>11 Q But you would again describe it as no more than a</p> <p>12 working relationship?</p> <p>13 A. That's correct.</p> <p>14 Q There was no chemistry between the two of you?</p> <p>15 A. No.</p> <p>16 Q You wouldn't describe it as a flirtatious relationship?</p> <p>17 A. On Mr. Graham's part, yes.</p> <p>18 Q How about on your part?</p> <p>19 A. No.</p> <p>20 Q You never had any interest in him?</p> <p>21 A. No.</p> <p>22 Q Didn't consider him to be a close personal friend?</p> <p>23 A. No.</p> <p>24 Q It was strictly a business relationship?</p> <p>25 A. Comfortable business, yes. I was comfortable with him,</p>	<p>1 A. Everybody really got along very well with each other,</p> <p>2 the adult and juvenile, because there was so much</p> <p>3 blending. I liked the people. I always have liked the</p> <p>4 people that worked in Probation. Very accommodating.</p> <p>5 Q It's pretty tough subject matter, isn't it? I mean,</p> <p>6 you're dealing with people who are on probation who are</p> <p>7 in trouble with the criminal justice system?</p> <p>8 A. Certainly.</p> <p>9 Q It's certainly not a highly professional office like a</p> <p>10 law office or something like that in terms of subject</p> <p>11 matter; is that fair?</p> <p>12 A. I think they're very professional.</p> <p>13 Q Professional in the way they do their work?</p> <p>14 A. Absolutely.</p> <p>15 Q But the subject matter tends to be pretty tough stuff,</p> <p>16 doesn't it, some of it?</p> <p>17 A. Certainly. Certainly.</p> <p>18 Q As you've described earlier, you were dealing with</p> <p>19 children who were either malnourished, correct?</p> <p>20 A. That's correct.</p> <p>21 Q Or who were involved in some sort of sexual</p> <p>22 molestation --</p> <p>23 A. Correct.</p> <p>24 Q -- in some manner?</p> <p>25 A. Right.</p>
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<p>1 but not on a friendly basis.</p> <p>2 Q Prior to your move to the Probation Department were you</p> <p>3 aware that Kerry Houser had filed a sexual harassment</p> <p>4 claim?</p> <p>5 A. Yes, I had heard about it.</p> <p>6 Q What had you heard?</p> <p>7 A. I had heard that she had filed a sexual harassment case</p> <p>8 in the Probation Department.</p> <p>9 Q What did you know about it? Or what were you told?</p> <p>10 More appropriately.</p> <p>11 A. Just that there was problems after she had filed it.</p> <p>12 Q That claim was filed against Mr. Osenkarski?</p> <p>13 A. I believe so.</p> <p>14 Q And you knew that before you joined the Department?</p> <p>15 A. It was a rumor I had heard.</p> <p>16 Q Did you ever talk to Kerry Houser about it before you</p> <p>17 accepted the job in the Probation Department?</p> <p>18 A. No, I didn't.</p> <p>19 Q Did you talk to her about it after you were --</p> <p>20 A. Yes.</p> <p>21 Q Did that give you any reason for concern?</p> <p>22 A. Yes, it did, but I was in favor at that time rather than</p> <p>23 on the punishment side.</p> <p>24 Q How would you describe the culture of the Probation</p> <p>25 Department when you got there in February of 1995?</p>	<p>1 Q So the subject matter is pretty tough?</p> <p>2 A. Certainly.</p> <p>3 Q What were your long-term goals when you took the job</p> <p>4 with Probation in February of 1995?</p> <p>5 A. Long-term goals? I was happy with the position, because</p> <p>6 I had earned my undergrad, it was in criminal justice, I</p> <p>7 liked working with the juveniles. At that time it was</p> <p>8 just to work there, be a good employee.</p> <p>9 Q So you had no long-range aspirations?</p> <p>10 A. Not at that point, no.</p> <p>11 Q Did you develop those later?</p> <p>12 A. Yes, I did.</p> <p>13 Q Tell me when.</p> <p>14 A. I applied for the master's program through the Juvenile</p> <p>15 Court Judges Commission. I completed the master's</p> <p>16 program. It was in 1988.</p> <p>17 Q Let me interrupt you for a minute, because that's one</p> <p>18 thing we haven't done is finished your education.</p> <p>19 A. Okay.</p> <p>20 Q You told me that you went to cosmetology school, right?</p> <p>21 A. That's correct.</p> <p>22 Q And that was directly after Mechanicsburg High?</p> <p>23 A. Correct.</p> <p>24 Q At some time later I know that you went back to HACC?</p> <p>25 A. Yes. That was in '86 I went back the HACC. I went to</p>

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1 HACC the first time.
 2 Q And that was part-time?
 3 A. Yes.
 4 Q And your major there was social?
 5 A. Social, well, social sciences they called it.
 6 Q Did you obtain a degree from HACC?
 7 A. Yes, an associate degree.
 8 Q And when was that?
 9 A. 1990.
 10 Q When was your next education after that?
 11 A. I went directly from there to Penn State Middletown. My
 12 major was criminal justice.
 13 Q You started there in 1990?
 14 A. Yes. Was criminology, I'm sorry. Criminology.
 15 Q Did you graduate from Penn State Middletown?
 16 A. Yes, 1994.
 17 Q You went there part-time?
 18 A. Yes.
 19 Q How was the tuition paid there? Who paid the tuition?
 20 A. Tuition was paid, the county paid a small portion. I
 21 believe at that time they allowed, I'm just estimating,
 22 I think it's \$800 a year. And the rest was paid by
 23 myself. And it had to qualify as a necessary course
 24 with my.
 25 Q Job?

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1 A. With my job, yes.
 2 Q Did that qualify?
 3 A. Some did. Some didn't.
 4 Q Education after that?
 5 A. JCJC program, I earned my master's degree in
 6 administration of justice.
 7 Q What's JC?
 8 A. Juvenile Court Judges Commission.
 9 Q Okay. When did you earn your master's degree?
 10 A. That was in '98.
 11 Q Did you receive tuition reimbursement for that study?
 12 A. No.
 13 Q Was it paid for by the Commission?
 14 A. Court Administrators, yes.
 15 Q So you had no out-of-pocket tuition for that --
 16 A. Just books.
 17 Q -- further education?
 18 A. Yes. I enrolled at Penn State Middletown in 2000 in a
 19 Ph.D. program in adult education. I took two classes.
 20 Q Where do you stand with respect to your master's degree,
 21 or I'm sorry, with respect to your Ph.D.?
 22 A. I stopped going to Penn State in spring of 2001. It
 23 just wasn't a good fit for me as far as the program. I
 24 made application to IUP in the administration leadership
 25 Ph.D. program.

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1 Q Where do you stand on that application?
 2 A. I'm waiting to see if I'm accepted for the fall class.
 3 Q How was the tuition at Penn State Middletown paid for?
 4 A. Like I said, Penn State Middletown was, like I said, the
 5 county paid I believe, I'm just estimating, I believe
 6 it's \$800 a year is what they would pay if it was
 7 qualified, if they felt it qualified with my employment.
 8 Q And did it qualify?
 9 A. Like I said, several did.
 10 Q At Penn State Middletown?
 11 A. Right.
 12 Q And what about the IUP program, same?
 13 A. I have not attended there yet.
 14 Q But do you expect that that will also be compensated
 15 for, a partial reimbursement by the county?
 16 A. If it qualifies, if the courses qualify. There's an
 17 application you have to make through Personnel for that.
 18 Human Resources, rather.
 19 Q What influence, if any, did Gary Graham have on your
 20 decision the move to the Probation Department?
 21 MS. WALLET: Objection. I think that was asked and
 22 answered.
 23 BY MR. THOMAS:
 24 Q Favor me with another answer, will you please?
 25 A. The influence?

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1 Q Um-hum.
 2 A. I don't think he had much influence at all on me going
 3 there. Letting me know that the position was open, yes.
 4 But as far as my getting the position, no.
 5 Q Did he encourage you to apply?
 6 A. He thought Lynn and I would be good people because of
 7 having the caseworker back -- well, myself, caseworker
 8 background and the criminal justice degree. And he had
 9 worked with me as a caseworker so he knew what kind of
 10 work I would do.
 11 Q In October of 1996 there was a conference at Penn State
 12 that you attended; is that correct?
 13 A. Yes.
 14 Q Can you tell me what the nature of that conference was?
 15 A. A DUI association.
 16 Q Why were you there?
 17 A. I was being certified as a, I believe that was a CRN,
 18 CRN instructor.
 19 MR. MACMAIN: I'm sorry, I didn't hear that.
 20 THE WITNESS: Court Reporting Network instructor.
 21 BY MR. THOMAS:
 22 Q Were there other members of the Probation Department
 23 there also?
 24 A. Yes.
 25 Q Was Mr. Graham there?

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1 A. **Yes.**
 2 Q Were there any problems while you were at that
 3 conference?
 4 A. **Yes. He tried to get entrance to my hotel room.**
 5 MR. ADAMS: I'm sorry?
 6 THE WITNESS: He tried to get entrance to my hotel
 7 room.
 8 BY MR. THOMAS:
 9 Q When was that?
 10 A. **It was in the evening.**
 11 Q The conference was what days of the week?
 12 A. **I had gone up Sunday evening because my -- the class I**
 13 **needed to be qualified was first thing Monday morning.**
 14 **I don't believe the conference actually started till**
 15 **Tuesday. So I had arrived on Sunday evening. And I**
 16 **believe it went till Thursday.**
 17 Q When did Mr. Graham try to gain access to your room?
 18 A. **It would have been the Tuesday evening after the**
 19 **conference had started.**
 20 Q What happened?
 21 A. **He continued to knock on my door. I chose not to answer**
 22 **it. And then he called my room.**
 23 Q Did you have a conversation with him?
 24 A. **I answered the phone and found out who it was, and he**
 25 **said he wanted to stop in. And I said I was studying.**

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1 Q And what did he do?
 2 A. **I don't know what he did at that time.**
 3 Q That was the end of the conversation?
 4 A. **Yes.**
 5 Q And he didn't come back to your door?
 6 A. **Not that I can recall, no.**
 7 Q Did you at any point call his room during that
 8 conference?
 9 A. **No, I did not.**
 10 Q Did you call his room during the early morning hours of
 11 any of the days that you were there?
 12 A. **No.**
 13 Q Would you have had any reason to call his room?
 14 A. **The only time I would ever call anybody's room is**
 15 **because I was a runner and I would run first thing in**
 16 **the morning, would be to let them know where I was so at**
 17 **least somebody knew where I was.**
 18 Q When you say you ran first thing in the morning, what
 19 was first thing in the morning?
 20 A. **Daybreak. Six o'clock, six-thirty.**
 21 Q You do not remember calling his room?
 22 A. **No, I don't.**
 23 Q And I assume by October of 1996 that the relationship
 24 between the two of you was not good?
 25 A. **That's correct.**

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1 Q So if you were going to call somebody, he wouldn't have
 2 been your first choice?
 3 A. **Right. No.**
 4 Q Did you leave the conference early?
 5 A. **Yes, I did.**
 6 Q Why?
 7 A. **When I went up the week before, Mr. Graham had said that**
 8 **he would be riding with other people, I think Dennis**
 9 **Drachbar and maybe Sam Miller, that he wanted me to give**
 10 **him a ride home. I was just really uncomfortable.**
 11 **(Interruption. Discussion held off the record.)**
 12 BY MR. THOMAS:
 13 Q Was there more to that answer?
 14 A. **Which is unusual, because usually he would drive, I**
 15 **think to get the mileage. So it was just a red light, I**
 16 **just don't want any -- didn't want him asking for a**
 17 **ride.**
 18 Q Was there ever a period of time when you heard anybody
 19 in the Probation Department discussing Barb 1 versus
 20 Barb 2?
 21 A. **Not in those words, no.**
 22 Q Did you ever hear any reference to Barb 1 or Barb 2?
 23 A. **Not Barb 1 and Barb 2, no.**
 24 Q What have you heard?
 25 A. **Several of the gentlemen in our department have said, I**

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1 think Graham is getting his Barbs mixed up, that when he
 2 comes to work angry it's not me he's probably angry at,
 3 it's probably his wife and he's taking it out on me.
 4 Q You never heard any reference to this as it related to
 5 phone calls that were received in the Department?
 6 A. **No.**
 7 MR. THOMAS: Let's take a couple of minutes.
 8 (Recess taken from 12:38 until 1:54 p.m.)
 9 BY MR. THOMAS:
 10 Q Barb, I've had your counsel place in front of you a
 11 copy of the Complaint that's been filed in this matter,
 12 and I want to talk to you about the Complaint and some
 13 of the allegations that are in there and get some of the
 14 details from you, just by way of background so you know
 15 where we're going. Okay?
 16 A. **(Witness nodded head affirmatively.)**
 17 Q This Complaint you have reviewed, obviously, correct?
 18 A. **Yes.**
 19 Q And to the best of your ability, did you set forth all
 20 of the activities by anybody on behalf of the county
 21 that you consider to be a violation of your rights?
 22 A. **Yes, all that I considered at the time.**
 23 Q Are there any that have come to your attention since
 24 that you would like to make me aware of now?
 25 A. **There has recently been an incident, and I would say it**

1 would be discrimination.
 2 Q What was that activity?
 3 A. **Just against myself, is that what you're asking?**
 4 Q Yes, in any way.
 5 A. **That I was offended by?**
 6 Q Yes.
 7 A. Okay. Recently we had a female intern who was doing her
 8 internship, and it was found at the very beginning of it
 9 that she had had -- was in the ARD program. She was
 10 left go, she was fired. Prior to that last, it would
 11 have been the winter of 2002, we had a male intern who
 12 in the middle of his internship they found out he had
 13 had an ARD, a DUI, I believe, himself, and he was
 14 allowed to complete his internship. And I didn't
 15 understand why one was left go and the other one wasn't.
 16 Q Are you familiar with all the facts associated with the
 17 activities of those two interns?
 18 A. **No. All I know is that I heard that's what, that**
 19 **happened to her.**
 20 Q So you heard that as a rumor in the workplace; is that
 21 fair?
 22 A. **Yes, um-hum.**
 23 Q You were not involved in the supervisory chain?
 24 A. **No.**
 25 Q And weren't consulted with respect to the reasons?

1 A. **No, I was not.**
 2 Q Is it fair to say that you have not been apprised of any
 3 of the other details by anybody in management as to why
 4 there may have been different treatment of those two
 5 interns?
 6 A. The only thing I heard, again, was through secondhand
 7 information, and that was from Darby Christlieb, where
 8 Mr. Boyer, who was one of our supervisors, made the
 9 statement if he would have been on vacation and Joe
 10 would have been making decisions, the girl would have
 11 stayed. Mr. Osenkarski would have, you know, been in
 12 charge, that the girl would have stayed. That Mr. Boyer
 13 had the final say in that.
 14 Q And it was Boyer who made the decision with respect to
 15 the female intern? Is that what you've heard?
 16 A. **That was my perception.**
 17 Q And who made the decision with respect to the male
 18 intern?
 19 A. **I don't know. I don't know that information.**
 20 **Mr. Osenkarski was our chief.**
 21 Q Do you know whether the court anybody on the court,
 22 President Judge Hoffer, may have been involved in the
 23 decision?
 24 A. **I don't know.**
 25 Q Okay.

1 A. **I don't know that.**
 2 Q So is it fair to say that you're not familiar with the
 3 decision-making process or who was actually involved in
 4 the two episodes?
 5 A. **No, I'm not.**
 6 Q Okay. Other than that, does the Complaint at least by
 7 your attempt set forth all the allegations that you
 8 contend violated your rights as an employee for the
 9 Probation Department?
 10 A. **Yes.**
 11 Q What I would like to do is take you through some of
 12 those and ask you certain questions about them. Let's
 13 start at paragraph 16, if we could. In paragraph 16 you
 14 allege that Mr. Graham sexually harassed you from
 15 November 20, 1996, until March of '98, correct?
 16 A. **That's correct.**
 17 Q What's the reason behind the dates that you've alleged
 18 there? For instance, what's the significance of
 19 November 20, 1996?
 20 A. That's the day that Mr. Graham when I gave him a social
 21 history of a female having suicidal tendencies related
 22 to her premenstrual problems as documented by a
 23 physician and it took it into his office to give him the
 24 case, he made the statement do I have to get a peter
 25 meter in my office. And using the words Jesus Chris

1 prior to that.
 2 Q Did you make a contemporaneous note of that comment by
 3 him at the time?
 4 A. **Yes.**
 5 Q And where did you keep that note?
 6 A. **I had a running little notepad that -- I'm a scribbler**
 7 **so I would just make a note.**
 8 Q Is that why you're able to identify that date
 9 specifically as November 20, 1996?
 10 A. **Yes.**
 11 Q Where are those notes now?
 12 A. **They were provided. They were a packet of notes I**
 13 **believe that was in my little scratch notes.**
 14 Q You're indicating it was provided as part of discovery
 15 in this matter?
 16 A. **Yes, I believe it was.**
 17 Q Do you still have possession of the originals, you or
 18 your lawyer?
 19 A. **They would be -- I have the originals.**
 20 Q Had you ever heard a comment like that by Mr. Graham
 21 prior to November 20, 1996?
 22 A. **Specifically like that? No.**
 23 Q Had you ever heard at any time in your life reference to
 24 a peter meter?
 25 A. **No.**

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1 Q What is a peter meter?

2 A. I'm just -- my idea of it would be something to measure

3 **a males penis, or regulate, whatever.**

4 Q What was the context of that conversation?

5 A. I had taken a case in to have approval of it, a file on

6 this young girl. And I was trying to explain to him,

7 you know, the diagnosis and what, about the girl, and

8 **that was the reaction I got from him.**

9 Q Did he have to approve every case that you handled?

10 A. **Yes.**

11 Q You had been with the Department at that point for a

12 year and what, nine months?

13 A. **Something like that, yes.**

14 Q And during the preceding 21 months he had made no

15 similar comment to you?

16 A. **Not like that, no.**

17 Q After November 20, 1996, did you ever hear him use the

18 term peter meter again?

19 A. **No.**

20 Q What was your response to him when he mentioned the

21 peter meter?

22 A. I was very embarrassed. It was in front of his office

23 mate, Hank Thielemann. I was very embarrassed, really

24 **shocked.**

25 We deal with a lot of young females and this was a

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1 diagnosed problem this girl had. It interfered with her

2 life, probably helped -- it was a facilitating issue for

3 her to commit the crime, because it was, I believe it

4 was an assault, and that she would have these problems

5 monthly and it was legitimate concern, and I was

6 **offended that he minimized her condition.**

7 Q What was the basis for your concern that he minimized

8 the problem?

9 A. That, you know, a woman can have this problem and it can

10 cause her problems, and it's a psychological problem and

11 it's been medically diagnosed and it was not just her

12 **telling me this, she had medical proof of it.**

13 Q The context of the conversation with him about the peter

14 meter was in reference to the juvenile that you were in

15 charge of?

16 A. **Yes.**

17 Q It was no reference with respect to you personally?

18 A. **No, but I was offended by it.**

19 Q I understand. And what I'm trying to understand is the

20 basis for your offense. Your offense, I gather, was

21 that he made light of her medical problem?

22 A. **Yes.**

23 Q Is that right?

24 A. **And minimized. Yes, absolutely minimized it.**

25 Q And that was November 20 of 1996. Was that the first

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1 time that you were offended by his behavior in any

2 sexual context?

3 A. **No.**

4 Q What was the first time?

5 A. **He had given me a birthday card.**

6 Q And when was that? January '96?

7 A. **Yes, around that time.**

8 Q And what about the birthday card offended you?

9 A. **It was inappropriate.**

10 Q Why?

11 A. Because it indicated that there had been a past or some

12 **kind of relationship with us.**

13 Q Are you talking about some inscription on the card?

14 A. **Yes. Yes.**

15 Q What do you remember the inscription said?

16 A. **Something remembering good times or something, or**

17 **looking forward to more, whatever. It was just**

18 **inappropriate. From --**

19 Q Was it the inscription on the card that was handwritten?

20 A. **No. It was printed.**

21 Q It was printed, so it was part of the formal card?

22 A. **Right.**

23 Q And what did it say, happy birthday?

24 A. **Yes. As I'm thinking back over the good times we had**

25 **before, and he signed it. It was just inappropriate for**

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1 a supervisor male to be giving to -- I was a married

2 woman. **It was inappropriate.**

3 Q What did you do when you received the card?

4 A. **He had put it in the side of my briefcase and I didn't**

5 **really find it till a day or so later when I was taking**

6 **things out of my briefcase, and I found it.**

7 Q And after you opened it and read it, what did you do?

8 A. **I put it away. I put it in -- I have stuff where I just**

9 **throw papers, old time sheets. I just threw it in**

10 **there.**

11 Q And that was January 1996, correct?

12 A. **Yes, um-hum.**

13 Q Did you say anything to him about the card?

14 A. **No. I was uncomfortable and I didn't know how to**

15 **approach it. Again, I knew Mr. Graham, his anger, I**

16 **didn't want to even start anything. I thought, well,**

17 **just best to let it go at that point.**

18 Q Up to this point, January of 1996, had he had occasion

19 to be critical of you? Had there been any screaming

20 episodes up to this point?

21 A. **Not directed at me, no.**

22 Q How would you describe your relationship with him at

23 work in January of 1996?

24 A. **Comfortable co-workers. He was my supervisor. Not**

25 **supervisor but assigned to train me.**

1 Q He was not a formal supervisor for you at that time, was
2 he?
3 A. **He was appointed by Mr. Osenkarski as my supervising**
4 **trainer.**
5 Q Trainer?
6 A. **Yeah.**
7 Q Did he have the right to hire or fire you?
8 A. **He had the right to make suggestions, but no.**
9 Q Did he have the right to change your job duties?
10 A. **Yes, I think he could have. Yes.**
11 Q Did he have anything to say about how much you got paid?
12 A. **No.**
13 Q So you received this card in January of '96, you thought
14 it was inappropriate. You made no complaint to him,
15 correct?
16 A. **I didn't mention it.**
17 Q Did you mention it to anybody else?
18 A. **No. As a matter of fact, like I said, I put it away and**
19 **just forgot about it.**
20 Q You were aware in January of 1996 that the county had a
21 sexual harassment policy, weren't you?
22 A. **I don't -- I'm sure I was aware that they had it. I**
23 **can't say that I actually sat down and read it, but I**
24 **was aware there was one in place.**
25 Q You were aware that there was a policy --

1 A. **Yes.**
2 Q -- in the county that prohibited sexual harassment or
3 discrimination, correct?
4 A. **That's correct.**
5 Q And you were aware that in the personnel manual there
6 was a complaint procedure that had been published?
7 A. **Yes.**
8 Q You did not utilize that complaint procedure when you
9 received the birthday card in January of '96, correct?
10 A. **That's correct.**
11 Q And in fact, mentioned the birthday card, which you
12 found offensive, to no one?
13 A. **That's correct.**
14 Q Were there any other events between January of '96 and
15 November 20, '96, that you believe violated your rights?
16 A. **What was the dates again?**
17 Q The birthday, I'm expanding now from the birthday card
18 in January of '96 to the date published in your
19 paragraph 16, November 20 of '96.
20 A. **November 20? I'm sorry, would you repeat the dates**
21 **again?**
22 Q I'm looking at your paragraph 16 --
23 A. **Okay.**
24 Q -- where you allege that you were sexually harassed by
25 Graham from November 20, '96, to March of '98.

1 A. **Okay.**
2 Q I asked you whether there was anything before November
3 of '96, and you've identified this birthday card in
4 January. My question now for you is: Was there
5 anything between the time of the birthday card and this
6 date that you've alleged in your Complaint, November 20,
7 of '96 that you believe violated your rights?
8 A. **That is -- okay. You mean from January through -- yes,**
9 **from January to November?**
10 Q Correct?
11 A. **Is what you're asking.**
12 Q I am.
13 A. **Mr. Graham would tell me stories about the sexual**
14 **problems he was having with his wife.**
15 Q When did those occur?
16 A. **That was quite a few of the trips that we took, he would**
17 **talk about it, allude to it.**
18 Q Can you tell me when those, what the dates of those
19 trips were?
20 A. **'96 through '97.**
21 Q Were they before November 20? Were any of them before
22 November 20 of 1996?
23 A. **It's possible, because he was always talking about**
24 **problems he was having with his wife. A lot of times it**
25 **would be in the open office, he would talk about**

1 **problems with her, he would come in complaining about**
2 **her.**
3 Q Let's stick to the trips for a moment.
4 A. **Okay.**
5 Q How often in 1995 and 1996 were you taking trips with
6 Mr. Graham?
7 A. **Oh, I would say just an approximate would be maybe once**
8 **a month, sometimes more.**
9 Q So during that slightly less-than-two-year period you
10 would estimate that perhaps there were 24 trips?
11 A. **Probably a little less than that, but around that, yes.**
12 Q On how many of these trips did he talk to you about his
13 sexual problems with his wife?
14 A. **I'd say he would start talking about -- first he started**
15 **to allude to problems, that he wasn't getting anything**
16 **from her, that he was angry at her. He would talk about**
17 **smashing her figurine collection in anger as a**
18 **punishment for her. And he would make statements that**
19 **he'll do anything he can to get even with her.**
20 Q Can you give me an estimate of how many times out of
21 this 24 trips that he may have talked to you about
22 sexual problems with his wife?
23 A. **Sometimes he would just gripe about it. And then --**
24 Q Was it every trip?
25 A. **No. I would not say it's every trip, no. No.**

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1 Q Half the trips?

2 A. Maybe a third of the trips. Most of the time at the

3 very beginning he wouldn't get too explicit, it was more

4 displays of his anger, how he was punishing her.

5 Q Where did these trips -- I guess I need to know the

6 basis on which these trips occurred.

7 A. It was juvenile placement. We had a juvenile in the car

8 with us and we would be transporting them to placement

9 or generally some -- to or from placement to court,

10 whatever.

11 Q What were the range of the trips?

12 A. Distance?

13 Q Yes.

14 A. There was -- the furthest one was above Pittsburgh,

15 Grove City, George Junior Republic. And then some

16 toward Philly. Really, some were in New Jersey.

17 Q And George Junior is probably a four-hour drive?

18 A. Oh, I would say at least, yes.

19 Q So the two of you were in the car together for eight

20 hours?

21 A. Yes, at least.

22 Q And the one around Philly would be --

23 A. There was one to New Jersey as well.

24 Q Which is a couple hours down?

25 A. We went north first, north to Clarks Summit, and picked

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1 up a juvenile and took her to New Jersey for an

2 evaluation for her to enter a college. And then

3 returned her to the same place.

4 Q How long a trip was that, round trip?

5 A. Oh, I'm just guessing, 13, 14 hours.

6 Q How did it happen that you and he traveled together on

7 those two trips that we're talking about specifically

8 now, George Junior and the one to Philadelphia?

9 A. George Junior I didn't have -- never had a juvenile

10 under my supervision at George Junior. Mr. Graham would

11 instruct me that I needed to go on the trips with him.

12 We would be taking kids that I had no contact with, no

13 need for me to have contact. They were males. George

14 Junior was only a male placement. Ideally it should

15 have been two males because if the juvenile had to go to

16 the restroom or whatever. But I was instructed I had to

17 go on the trips with him.

18 Q And who instructed you?

19 A. Mr. Graham.

20 Q Was that true with respect to all 24 of the trips?

21 A. No. There were several that were my children, my girls,

22 that I had to do supervision.

23 Q How many of them were yours?

24 A. I can only think of four females.

25 Q Where were those trips to?

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1 A. One was up to Clarks Summit. One was in the

2 Philadelphia area. One was out to around Pittsburgh

3 area. And the other one, like I said, was the one

4 from -- even the one from to New Jersey wasn't my

5 juvenile, she wasn't under my supervision.

6 Q All those trips that you've described, all three or four

7 of those are all trips that would be at least four hours

8 round trip, would they not?

9 A. Yes. Yes.

10 Q Are there any other trips that you can think of? We've

11 talked about the one to George Junior, we've talked

12 about the round robin to Clarks Summit and then to New

13 Jersey and back, we talked about another one to Clarks

14 Summit, Philadelphia.

15 A. There was one to Maryland. We met halfway, to a -- with

16 a detention center personnel and dropped a girl off.

17 Q How long a trip was that?

18 A. To the Maryland line. Maybe two hours, four hours round

19 trip.

20 Q Okay. Others that you recall?

21 A. I can't recall any more at this time.

22 Q Okay.

23 A. But the majority of the cases, the trips were not my

24 kids.

25 Q And you've described four that were your kids, correct?

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1 A. Yes.

2 Q What did you do in the car during these trips? I gather

3 one of you was driving while the other was riding as

4 passenger?

5 A. Mr. Graham always drove.

6 Q What did you do?

7 A. The juvenile was in the back, so usually conversation

8 with them.

9 Q What were the subject matters with the juveniles?

10 A. School, what they plan to do, explaining to them about

11 the placement.

12 Q Any of it that you considered to be rehabilitation type

13 discussions?

14 A. Certainly. Sure. About their families.

15 Q And after you dropped the juvenile wherever they were

16 going, what did you do on the way back?

17 A. We stopped to get something to eat and then drove back.

18 Q What was the nature of the conversation?

19 A. Usually hearing what Mr. Graham was doing. He liked to

20 tell you everything that he was doing. He was a lot of

21 the -- he was considered basically the gossip of the

22 office, so you heard, of course, about everything

23 everybody else was doing.

24 Q Did you participate in the conversations?

25 A. With Gary you just listened. With Mr. Graham you just

1 listened.

2 Q And some of the conversations centered around things

3 that were happening in the office?

4 A. Yes.

5 Q Some of it centered around educational matters or

6 training?

7 A. No.

8 Q Not at all?

9 A. Probably not, no.

10 Q And some of the conversation had to deal with his

11 complaints with his wife, I gather. Yes?

12 A. Complaints about anybody else in the office. Just

13 complaints.

14 Q When he started to complain to you about problems with

15 his wife, what was your participation, if any?

16 A. When it was not explicit you just sort of listened and

17 just say, you know, maybe you ought to go to counseling.

18 When he got really explicit, and I mean, in detail, I

19 said you know, you two need to go to counseling. You

20 could see it was getting worse, you need to go to

21 counseling.

22 Q And you've described two subcategories there, one where

23 he wasn't very explicit, and one where he was.

24 A. Yes.

25 Q What was the subject matter that was not very explicit?

1 A. Just complaining that she won't do what he wants her to

2 do. She -- he would complain because she was reading,

3 oh, the books, I'm trying to think, the love story

4 books, the magazine, little, the little paperback books.

5 He hated her -- Harlequin, Harlequin romances. He hated

6 her reading those. It appeared that he was jealous that

7 she would read those.

8 He would complain because he would see his wife

9 talking to the court administrator. If he saw her

10 talking to an attorney, he would go on and on and on and

11 on about I guess just a jealousy. But he was just angry

12 at her, angry at his wife.

13 Q These conversations weren't directed at you?

14 A. No, those weren't.

15 Q And your response to that was to suggest to him that

16 they needed to seek counseling?

17 A. When he was talking that way, you just sort of listened

18 to him. He was just sort of blowing off.

19 When he started talking explicitly about sexual,

20 her sexual behavior and how she was denying him sex, I

21 just said, Gary, you know, you need counseling, you and

22 your wife need to go to counseling.

23 Q What was the explicit behavior that he talked to you

24 about?

25 A. He would tell me that he would wake up in the middle of

1 the night and the bed would be shaking, and he would

2 pull her hand out of her underwear and her hands,

3 fingers would be wet. He said he would keep a calendar

4 of how often they had sex and he would show that to her.

5 Q How often did that conversation occur?

6 A. That explicit, that was really one time he was that

7 extremely explicit.

8 Q When was that?

9 A. It was in -- I'm not sure of the date. One of the

10 trips, '96, '97. More I believe '97 area.

11 Q What was your response to him while he was going through

12 this explanation?

13 A. I said, Gary, Mr. Graham, well, you need to get

14 counseling. I really don't want to hear this, you need

15 to get counseling. And his response was that he was

16 furious. He said, I don't need counseling, there's

17 nothing wrong with me. And we accelerated to around 95

18 miles per hour on a construction zone on 81.

19 Q Did you call him Gary in those days or did you call him

20 Mr. Graham?

21 A. I called him Gary.

22 Q Was there ever any period of time where you called him

23 Mr. Graham?

24 A. I don't believe so.

25 Q Why was he confiding in you with respect to his concerns

1 or difficulties with his wife?

2 A. I have no idea. I think I was a captive audience in the

3 car.

4 Q Did these conversations offend you?

5 A. Absolutely.

6 Q Why?

7 A. I don't need to hear details of his sexual behavior or

8 his problems with his wife. I offered names of

9 counselors, family counselors, whatever. He just didn't

10 want to hear it.

11 Q Did you ever ask him not to describe his problems with

12 his wife to you?

13 A. Yes, I did.

14 Q When?

15 A. It was the same day.

16 Q On the day where?

17 A. He was very explicit. I said, I don't need to hear

18 this, I don't want to hear this, it's a problem between

19 you and your wife, you need counseling.

20 Q Other than that one episode, were there any other

21 occasions where you said to him stop it, I don't want to

22 hear it?

23 A. Whenever he would use the F word at me.

24 Q I want to restrict that question really just to the

25 discussions that he had with you in the car about his

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1 wife. Was there ever more than one occasion when you
2 told him stop, I don't want to hear it?

3 A. **I would recommend counseling. Anytime he talked about**
4 **problems with his wife, I would suggest counsel for him.**

5 Q And on one occasion, the occasion where he was explicit
6 about her night problems, you said to him, stop, I don't
7 want to hear it?

8 A. **Right.**

9 Q Right?

10 A. **Right.**

11 Q Did you report that episode to anybody else at work?

12 A. **I told somebody else but I did not report it.**

13 Q Who did you tell?

14 A. **I discussed it with Debra Green.**

15 Q Is Deb Green your best friend at work?

16 A. **She's my co-worker, yes.**

17 Q You did not report to anybody in a position of
18 authority?

19 A. **Again, knowing to start talking about this, the**
20 **punishment element, I knew that if I started to say**
21 **anything it might cause really big problems for me.**

22 Q But whatever the reason, you did not report it?

23 A. **No, I didn't. Not at the time. I did later, yes.**

24 Q Sure, and we'll get to that.

25 Did you at any point raise a concern with

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1 management about going on these placement trips with
2 Mr. Graham?

3 A. **I talked to Mr. Graham about it. I said, I really**
4 **didn't want to go on these trips. You know, I had other**
5 **work to do. This is a whole day out of the office and I**
6 **was at that time, well, one Family Preservation, which**
7 **required intensive supervision, and he said if I didn't**
8 **like it I could go back to doing my former work as**
9 **social work.**

10 Q But I guess the answer to that is the only person you
11 told was Mr. Graham?

12 A. **(Witness nodded head affirmatively.)**

13 Q You didn't tell Mr. Osenkarski?

14 A. **No, I did not.**

15 Q You didn't tell Mr. Bolze while he was still there?

16 A. **Mr. Bolze was not there at that time.**

17 Q He was gone?

18 A. **He was gone.**

19 Q You didn't tell anybody in HR, Human Relations?

20 A. **At the time, no.**

21 Q And didn't tell Judge Hoffer or Judge Sheely?

22 A. **There really was minimal contact with them.**

23 Q Did you have some contact with the president judge
24 during your employment with the county?

25 A. **With Judge Sheely?**

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1 Q Um-hum.

2 A. **Yes, of course.**

3 Q What was the nature of that contact?

4 A. **Could be taking cases up. He heard my cases.**

5 Q He knew who you were?

6 A. **Absolutely. He hired me.**

7 Q In paragraph 16 in the subparts you start to detail some
8 of the allegations which you've talked about in general,
9 and I'd like to go over a few of those, if we could.

10 A. **Okay.**

11 Q We might as well start with A. We've already talked
12 about A, and that was the girl who had the premenstrual
13 problems, correct?

14 A. **Correct.**

15 Q And the peter meter. Is there anything else you want to
16 add with respect to that allegation?

17 A. **No.**

18 Q B is the inappropriate birthday card. We've talked
19 about that, right?

20 A. **Yes.**

21 Q B also includes inappropriate touching.

22 A. **Yes.**

23 Q What do you mean by that allegation in paragraph B?

24 A. **During a Mace, a Mace training at the prison, it was in**
25 **'95, Mr. Graham patted my behind in front of Debra**

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1 **Green.**

2 Q When in 1995?

3 A. **I'm not sure of the date.**

4 Q Spring, summer?

5 A. **Probably -- I'm just guessing, speculating spring.**

6 Q What were the circumstances where he patted you?

7 A. **We were walking down the hall to a training area. It's**
8 **a large gymnasium at the prison.**

9 Q You were walking with him or beside him?

10 A. **No. I was with Debra Green. I think I was walking past**
11 **him.**

12 Q Were you all going the same direction?

13 A. **Yes.**

14 Q Was there any conversation between the two of you before
15 he patted you?

16 A. **No.**

17 Q Describe to me what happened.

18 A. **As I was walking past, it's not very clear to me what**
19 **happened, but Debra Green witnessed it, and he patted my**
20 **behind. And I just took off into the training room.**

21 Q Were there any words exchanged between you and he when
22 that happened?

23 A. **No. I just went into the class and we started the**
24 **training session.**

25 Q Were you running when you went into the training room?

1 A. **Moving quickly.**
 2 Q Were you laughing?
 3 A. **I was embarrassed.**
 4 Q Were you laughing?
 5 A. **Embarrassed laugh.**
 6 Q Was anything else said after that?
 7 A. **No.**
 8 Q So you went through the training session?
 9 A. **Right.**
 10 Q Were there any other occasions where he touched you
 11 inappropriately other than this one pat in the spring of
 12 '95?
 13 A. **No.**
 14 Q So the inappropriate touching was limited to one event,
 15 correct?
 16 A. **Yes.**
 17 Q B also includes appearing uninvited at your home.
 18 A. **Yes.**
 19 Q Which home are we talking about?
 20 A. **On Maple Drive in Etters.**
 21 Q When was that?
 22 A. **May of '96.**
 23 Q What time of day?
 24 A. **It was early evening, just dusk.**
 25 Q Tell me what occurred.

1 A. **I was at my home. Like I said, we have a bi-level**
 2 **house. I had the doors, the back door open, and I was**
 3 **up in the living room area. And I got a call on my**
 4 **phone and it was from Mr. Graham. He said he's come**
 5 **down to see me. And I said, you know, well, my**
 6 **husband's not home, I really didn't -- he said, I know**
 7 **he's not home, and then he hung up. And the next thing**
 8 **within maybe --**
 9 Q He didn't say good-bye?
 10 A. **No. No.**
 11 Q Okay.
 12 A. **I hung up. The next thing I know, he was -- our house**
 13 **is on a dead-end road that runs beside our home. And**
 14 **the next thing I know he was outside at our back yard**
 15 **yelling my name. And I didn't go, I didn't go out. I**
 16 **knew who it was. I had pretended like I wasn't home.**
 17 Q Did anybody see him there?
 18 A. **No, not that I know of.**
 19 Q Have your neighbors ever told you that they saw him
 20 there?
 21 A. **No. We live -- the back of our house are over**
 22 **apartments, like an apartment complex beside the back of**
 23 **our house.**
 24 Q Did he ever gain access to your home that evening?
 25 A. **No, he did not.**

1 Q Did he eventually leave?
 2 A. **Yes.**
 3 Q And he left without being inside the house?
 4 A. **Yes.**
 5 Q Do you know why he was there?
 6 A. **I can't speak for him, but I assume he came down to see**
 7 **me when he knew my husband was not home.**
 8 Q And this was May of 1996?
 9 A. **Yes.**
 10 Q Was that the only occasion on which he appeared
 11 uninvited at your home?
 12 A. **Yes, it is.**
 13 Q Did you report that episode to anybody at Probation?
 14 A. **No, I didn't.**
 15 Q Did you ever ask him why he showed up on that evening in
 16 May of 96?
 17 A. **Again, it was I would rather not even approach it. I**
 18 **didn't want to get into anything, because if I would say**
 19 **anything to make a big deal out of it I'm afraid there**
 20 **would be punishment.**
 21 Q So you never raised it with him, correct?
 22 A. **No.**
 23 Q Never raised it with any superior?
 24 A. **No.**
 25 Q And never filed any written complaint in accord with the

1 complaint procedures in the employee manual, correct?
 2 A. **No, I did not.**
 3 Q You'll have to say no.
 4 A. **No. I'm sorry.**
 5 Q Paragraph C deals with the hotel room at Penn State, and
 6 we've already talked about that, haven't we?
 7 A. **Yes.**
 8 Q Is there anything in our earlier discussions that you
 9 know that you didn't reveal to me about that episode?
 10 A. **Not that I can think of at this time.**
 11 Q Did you ever report that episode to management?
 12 A. **Not at the time. I assumed I could handle it.**
 13 Q In paragraph D you say that when Graham -- or when you
 14 showed a lack of interest in his sexual overtures, that
 15 his attitude toward you changed.
 16 Tell me what it is about his overtures that led you
 17 to believe that there was a sexual interest in you.
 18 A. **I think coming to my home, obviously, knowing when my**
 19 **husband wasn't home. Trying to get entrance to my hotel**
 20 **room at Penn State. I think it was pretty well known**
 21 **that Mr. Graham had -- was -- I guess had an interest in**
 22 **me. It was pretty apparent to most people.**
 23 Q Did you do anything to encourage that interest?
 24 A. **No, I did not.**
 25 Q When did his attitude toward you change?

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1 A. Most of it changed whenever he had -- whenever Mr. Bolze
 2 retired and you could see that Mr. Graham was becoming
 3 **much more authoritative, and angry.**
 4 Q Had he expressed an interest, sexual interest in you as
 5 you described it, right from the outset of your
 6 employment with Probation?
 7 A. It was something -- it was, like, it was apparent -- in
 8 hindsight it was apparent to everybody that he had an
 9 **interest in me.**
 10 Q And did that predate your employment with Probation?
 11 A. **Yes, it did.**
 12 Q Went all the way back to your employment with Children
 13 and Youth?
 14 A. It was a joke that Mr. Graham liked me, which I thought
 15 was ridiculous. He's a grown man, married, as I was.
 16 Q Why was it a joke?
 17 A. Because we were both married and it was such a childish
 18 **behavior.**
 19 Q And who was it a joke among?
 20 A. **Caseworkers.**
 21 Q Your fellow employees?
 22 A. **Yes.**
 23 Q Did they say something to you?
 24 A. They would say, you know, Graham is interested in you,
 25 and they would laugh. They were young girls, early

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1 **twenties.**
 2 Q Who said that?
 3 A. A girl named Kelly Miller. Well, it was Kelly Zeager at
 4 the time. She was dating one of the Probation officers.
 5 Q She was working in the Department and dating one of the
 6 probation officers?
 7 A. She was in my department. She was a caseworker and she
 8 **was dating one of the probation officers.**
 9 Q So she was in Children and Youth at that time?
 10 A. Yes, she was. Yes, she is. And I had asked her not to
 11 repeat that at all, because Mr. Graham's cousin worked
 12 in Children and Youth, didn't want rumors starting.
 13 Q Did rumors get started?
 14 A. **No.**
 15 Q You're not aware of any rumors that the two of you were
 16 having an affair?
 17 A. **No. It was only his interest in me.**
 18 Q Well, irrespective of whose interest it was, were you
 19 aware that there were rumors in the courthouse that you
 20 and he were having an affair?
 21 A. **I never heard of any rumors.**
 22 Q Looking back on it, in view of the relationship that you
 23 two had, can you understand why people might have
 24 reached the conclusion that you were having an affair?
 25 A. **No, I don't.**

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1 Q Because in your mind, the relationship was always an
 2 arm's length professional relationship?
 3 A. **I traveled with Mr. Graham. It was necessary for my**
 4 **job.**
 5 Q The allegations contained in E are the description of
 6 the sexual problems he was having with his wife, as
 7 you've already testified, correct?
 8 A. **Yes.**
 9 Q Do you want to add anything to that?
 10 A. **Not at this time.**
 11 Q Are there any facts that you have in regard to this that
 12 you haven't previously disclosed to me or that I haven't
 13 asked you?
 14 A. **Not -- not to be noted at this time.**
 15 Q F refers to a smashing of a wife's figurines. Do you
 16 recall that?
 17 A. **Yes.**
 18 Q When did that occur?
 19 A. **Again, it was on trip and it was prior to his detailing**
 20 **his, the problems with his wife. He had bragged that he**
 21 **smashed her figurine collection against the fireplace to**
 22 **punish her.**
 23 **The birthday cake incident to me was just horrible.**
 24 **His -- he had young girls, and I understand his**
 25 **mother-in-law had made this special birthday cake for**

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1 **his wife. Mr. Graham was angry at his wife, I don't**
 2 **know exactly what it was for, but he told me he said he**
 3 **punished her and he destroyed the cake in front of the**
 4 **little girls.**
 5 Q Well, on the trip where he discussed the figurines, do
 6 you remember where you were coming from or going to?
 7 A. **No, I don't.**
 8 Q Do you remember anything about the date of that
 9 particular trip?
 10 A. **It was just prior to the trip where he explained in**
 11 **detail about the sexual behavior.**
 12 Q Well, you told me earlier that you kept a notepad with
 13 respect to these episodes. Was there a specific note
 14 with respect to the discussions involving figurines?
 15 A. **No. No, I don't believe there was a note about that.**
 16 **It was just something I recalled that he had -- well,**
 17 **that sort of stays in your mind when you hear about**
 18 **somebody smashing things like that. As far as dates,**
 19 **I'm not sure. I know it was on trip.**
 20 Q What was the context of the conversation where he
 21 brought that up?
 22 A. **Again, anger at her. He was punishing her. He was**
 23 **angry because -- I don't even know why he was angry. He**
 24 **was always angry at his wife.**
 25 Q Because of his personal problems with her?

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- 1 A. **Yes, personal problems with her.**
- 2 Q So the sort of the context of the conversation was that
- 3 he was upset with her, that they had some disagreement
- 4 over something, and --
- 5 A. **Right.**
- 6 Q -- he smashed the figurine as part of this?
- 7 A. **As part of his punishment.**
- 8 Q Punishment, okay. And the birthday cake episode, did
- 9 that occur on the same trip?
- 10 A. **No, I don't believe. I believe he talked about that on**
- 11 **a different time. I'm not sure. I remember they were**
- 12 **on trips when I would hear about these things.**
- 13 Q Did you ever complain about your relationship with
- 14 Mr. Varner as part of these trips?
- 15 A. **No, absolutely not.**
- 16 Q Did you ever return conversations about any problems in
- 17 your life when he was describing the problems in his?
- 18 A. **My husband Lee and I really have not had any problems to**
- 19 **complain about.**
- 20 Q Have you had any problems of any type in your life?
- 21 A. **Of course.**
- 22 Q Did you share with Mr. Graham any of those conversations
- 23 while traveling with him?
- 24 A. **Problems? Maybe stories about maybe some teen-age**
- 25 **problems when my kids were growing up, just as an aid to**

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- 1 him. More parenting, parenting techniques that I would
- 2 **use with my children.**
- 3 Q What other subjects did you share with him during the
- 4 travels?
- 5 A. **Subjects.**
- 6 Q What did you talk about?
- 7 A. **I know. Like I said, most of the time you would listen**
- 8 **to Mr. Graham. He would be on the phone a lot. It was**
- 9 **just generally listening to his stories.**
- 10 Q And the only thing you can remember sharing with him was
- 11 some conversation about parenting techniques involving
- 12 your children?
- 13 A. **Yes, about my children in general.**
- 14 Q Did you report the difficulties or the conversation
- 15 involving the figurine or the birthday cake to anybody
- 16 in management at the time those discussions occurred?
- 17 A. **That, I mean, it wasn't offensive to me. I felt bad for**
- 18 **his wife and his children, but it did not offend me.**
- 19 Q Neither of those conversations?
- 20 A. **No. All, mostly what that did to me was remind me of**
- 21 **how he can dole out punishment and how he was willing to**
- 22 **do that to people that he loved, that he would use that**
- 23 **punishment mode. It put me on guard, made me aware of**
- 24 **what he could do.**
- 25 Q But the conversations in and of themselves you recognize

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- 1 weren't directed to you?
- 2 A. **They were not directed at me, just --**
- 3 Q And you recognize -- and I'm sorry to interrupt you --
- 4 A. **That's all right.**
- 5 Q And they didn't particularly offend you but you felt
- 6 badly for his wife and for his children?
- 7 A. **And put me on notice of what Mr. Graham, how angry he**
- 8 **can get and what he's possibly, you know, what he's**
- 9 **possible to do.**
- 10 Q And neither of those conversations had anything to do
- 11 with his purported sexual interest in you?
- 12 A. **No.**
- 13 Q In G you make reference to an instruction that you
- 14 apparently received from him not to talk to another
- 15 female probation officer who had complained of sexual
- 16 harassment.
- 17 A. **That's correct.**
- 18 Q Who was that?
- 19 A. **Kerry Houser.**
- 20 Q And you knew about her prior complaint of sexual
- 21 harassment before you took the job in Probation,
- 22 correct?
- 23 A. **Yes, I had heard about it.**
- 24 Q Do you recall when he gave you that instruction?
- 25 A. **Not too long after I started in the Department.**

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- 1 Q It was sometime after February of '95?
- 2 A. **Yes.**
- 3 Q Had you talked to Kerry Houser before that, before you
- 4 got the instruction?
- 5 A. **Yes.**
- 6 Q Had you talked to her about her sexual harassment claim?
- 7 A. **At that point we had not really discussed it, no. I**
- 8 **just heard about it when I was with Children and Youth.**
- 9 Q What did you hear about it while you were in Children
- 10 and Youth?
- 11 A. **Just that she had filed a suit against the Department,**
- 12 **Juvenile Department.**
- 13 Q Did you hear what the outcome was?
- 14 A. **No, I didn't.**
- 15 Q Do you know whether there was any financial aspect to
- 16 the resolution of it?
- 17 A. **I don't know that.**
- 18 Q Did you ever find out?
- 19 A. **No, I didn't.**
- 20 Q What did Mr. Graham instruct you with respect to Kelly
- 21 Houser?
- 22 A. **Kerry Houser. He told me not to talk to her.**
- 23 Q Did he tell you why?
- 24 A. **He said, she's an angry woman, she's divorced, she's an**
- 25 **angry woman, all divorced women are angry.**

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1 Q You were a divorced woman at the time, were you not?
 2 A. **Yes, I was.**
 3 Q Did he tell you that you were an angry woman?
 4 A. **No.**
 5 Q And in fact, he had expressed or at least as far as you
 6 were concerned, exhibited a sexual interest in you,
 7 correct?
 8 A. **Yes.**
 9 Q Did you follow his instructions not to talk to her?
 10 A. **No.**
 11 Q Did you make a notation of when that conversation
 12 occurred?
 13 A. **I believe I did.**
 14 Q What date did it occur on?
 15 A. **I don't know the date at this time.**
 16 Q Did you have any conversation with him about whether
 17 that conversation was appropriate or inappropriate?
 18 A. **I don't think we had a discussion on it. It was just he**
 19 **told me not to talk to her because of a prior suit that**
 20 **they had and that she was angry.**
 21 Q Did you respond to him in any fashion when he told you
 22 that?
 23 A. **I don't remember. I don't believe.**
 24 Q Did you report that statement by him to anybody in
 25 management?

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1 A. **Mr. Osenkarski was part of that suit. He would be the**
 2 **next in line to complain to, and I chose not to. Again,**
 3 **punishment issue.**
 4 Q Could you have taken your complaint to Judge Sheely?
 5 A. **In hindsight, he probably wouldn't have done anything.**
 6 Q Could you have taken the complaint to him?
 7 A. **I could have.**
 8 Q There was nothing that prevented you from doing that,
 9 was there?
 10 A. **No. No.**
 11 Q In fact, you never complained to Judge Sheely about the
 12 treatment you received from Mr. Graham, did you?
 13 A. **No, not until after.**
 14 Q Not until after you filed the --
 15 A. **Right.**
 16 Q -- EEOC Complaint?
 17 A. **Right.**
 18 Q But you did understand that Judge Sheely was the head of
 19 the Probation Department, didn't you?
 20 A. **Certainly.**
 21 Q In paragraph H you make reference to a conversation that
 22 you had with Mr. Graham involving seniority and the need
 23 to satisfy all parties involved.
 24 A. **Yes.**
 25 Q Do you recall that conversation?

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1 A. **I certainly do.**
 2 Q When did it occur?
 3 A. **It was -- I can tell you where. It was after August of**
 4 **'96, it was in my office. Mr. Graham was explaining**
 5 **what he called a balanced approach where it's necessary**
 6 **for you to satisfy the victim, the community and as well**
 7 **as the juvenile to make sure that they're rehabilitated.**
 8 **Mr. Graham told me that I have to satisfy the victim,**
 9 **the community, and he looked at me and he pointed at**
 10 **himself, that those are the things that I have to**
 11 **satisfy. And the smile on his face letting me know what**
 12 **he meant.**
 13 Q Did he make any oral reference to a sexual component to
 14 that satisfaction?
 15 A. **His expression saying that I had to satisfy him**
 16 **certainly meant sexual to me.**
 17 Q Did you challenge him in that regard? Did you ask him
 18 what he meant specifically?
 19 A. **I said, I don't want to hear it, and that was it. He**
 20 **left my office. I didn't want to hear it. And he left**
 21 **my office.**
 22 Q What was it that led you to believe that the innuendo
 23 there was toward some sort of sexual favor?
 24 A. **It was his smile, the way he smiled at me. It wasn't**
 25 **like a friendly smile, it was a provocative smile I**

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1 **guess you would say. It was just a flirtatious smile.**
 2 Q Did he ever openly solicit you for sex?
 3 A. **No.**
 4 Q He never asked you to have intercourse with him?
 5 A. **No.**
 6 Q He never said, hey, let's get a hotel room and go have
 7 sex?
 8 A. **No.**
 9 Q He never asked you for any form of sex?
 10 A. **No.**
 11 Q What he did on this occasion was reviewed the balanced
 12 approach, as you described it, and then smiled at you
 13 and pointed at himself, correct?
 14 A. **That I need, I needed, he said, in our department we**
 15 **have to satisfy the victim, the community, and to make**
 16 **sure the juvenile's rehabilitated. He said, you have to**
 17 **satisfy the victim, the community and (indicating), and**
 18 **smiled at me, a very sexual provocative.**
 19 Q And that was the way you interpreted it?
 20 A. **Yes, it is.**
 21 Q Was there anybody else present when he did that?
 22 A. **No.**
 23 Q So it was just you and him?
 24 A. **Yes.**
 25 Q In I you make reference to Graham calling attention to

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1 your gender and making inappropriate comments about
2 females. What do you mean by that?

3 A. It goes to the sentence that he made a comment to me
4 about how dark he believes a young female's, quote, bush
5 is.

6 Q Did he ever make any comments about your body?

7 A. He would just compliment me on just --anytime I would
8 see him he would say how nice I was dressed, you look
9 nice in your white pants, those kind of comments.

10 Q Did he ever say anything about your breasts?

11 A. No. Well, there was a time where we were measuring for
12 bulletproof vests, and he thought it was so amusing to
13 let us know, the females know that he knew what cup size
14 we wore, because they're measured in cup size. He
15 thought that was hilarious that he knew everybody's cup
16 size. And he told me that I was not as big as one of
17 the other girls in the department.

18 Q When was that?

19 A. Probably, I'm just speculating, '97.

20 Q Do you recall when in '97?

21 A. No.

22 Q Was anybody else present when that conversation
23 occurred?

24 A. Other girls heard him talk about that, that he knew the
25 cup size. He was back there when they were measuring.

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1 Q Who were the other girls?

2 A. Nicole Galbraith. She wasn't married at the time.
3 Debra Green. Kerry Houser was also a female. I believe
4 that was all females at the time.

5 Q Was there any solicitation associated with that, or was
6 it just a reference to your cup size?

7 A. Just letting me know that he thought --

8 Q That he knew your cup size?

9 A. Yes. It was humorous for him.

10 Q Did he ever discuss or mention to you anything about any
11 other part of your body?

12 A. No.

13 Q Were there any other occasions when he mentioned
14 anything about your cup size or breasts?

15 A. No.

16 Q The comment that's contained in paragraph I with respect
17 to a young girl's bush, tell me how that occurred.

18 A. I was in my office, which is right off the main area of
19 the office. And there was a girl who worked in the
20 District Attorney's Office, a young girl, young new
21 girl, and I think he knew her from the Newville area.
22 And he just came in just so happy with himself, he said,
23 I wonder how -- I believe how dark her bush is.

24 Q Did you make any note with respect to that?

25 A. Yes, I did.

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1 Q Did you date that note?

2 A. Yes.

3 Q What date was that?

4 A. I don't have those dates with me.

5 Q Did you protest to him when he made that comment?

6 A. I was embarrassed and I said, you shouldn't talk about
7 that, you shouldn't talk like that.

8 Q Was there anybody else present when he made that
9 comment?

10 A. I don't -- no, I don't believe so.

11 Q At any time, Barbara, during these various episodes
12 you've indicated at one time or another that you
13 protested to him, correct?

14 A. That's correct.

15 Q Did you at any point during any of those episode ever
16 say to him, please stop it or I'm going to have to go up
17 the chain of command and report your behavior?

18 A. Yes. And he said, go ahead and I'll have you
19 reprimanded, I'll take you up to the judge and have you
20 reprimanded.

21 Q When did that occur?

22 A. It would have been in '97. Probably --

23 Q When in '97?

24 A. I would say probably beginning of '97.

25 Q And what was the episode?

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1 A. I would tell him I'm tired of hearing him use the F word
2 at me, I'm tired of him screaming at me. And that's
3 when he threatened to take me up to the judge and have
4 me reprimanded.

5 Q All right. Let's take that in steps.

6 A. Okay.

7 Q And what I want to deal with is him screaming at you and
8 using the F word with respect to you separately.

9 A. Right, okay.

10 Q With respect to the other episodes that we've been
11 talking about now for last hour or so, was there ever a
12 time when you said to him with respect to one of those,
13 where you said to him, enough? Was there ever a time
14 when you said to him, if you don't stop talking about
15 those things I'm going to go up the chain of command and
16 take you upstairs?

17 A. If I would say that and mentioned like, you know, you've
18 got to stop talking to me like this, he would say, go
19 ahead and take it to Joe, Joe won't do anything,
20 Mr. Osenkarski, he won't do anything.

21 Q My question to you is: Did you ever do that? Did you
22 ever say to him, I'm going to take you upstairs?

23 A. I said I was going to talk to Joe.

24 Q About these things that we've been talking about?

25 A. Yes. I was tired of hearing about it, yes.

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1 Q When did that conversation occur with Joe, or with
2 Mr. Graham?
3 A. **I would say probably late '96 I'm guessing.**
4 Q Did you ever report Mr. Graham's behavior to
5 Mr. Osenkarski?
6 A. **The one time when he threw me out of his office, and**
7 **that was about a file, that he just was calling me F-ing**
8 **this and F-ing that.**
9 Q We're going to get to that. Okay?
10 A. **Okay.**
11 Q All right? But other than that?
12 A. **No, I didn't.**
13 Q Okay. So you never actually reported Mr. Graham's
14 offensive language to Mr. Osenkarski?
15 A. **No. I was in fear of reprisal. I was afraid of**
16 **reprisal from him and from Mr. O, Mr. Osenkarski.**
17 Q Now, you say that Mr. Graham on occasion used the F word
18 with respect to you.
19 A. **Yes.**
20 Q And actually in paragraph 17, actually it looks like
21 it's in J and also in 17 D. Take a look at those.
22 MS. WALLET: You're referring to 16 J?
23 MR. THOMAS: Yes.
24 THE WITNESS: Yes.
25 BY MR. THOMAS:

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1 Q And those are two episodes where he either used the F
2 word or --
3 A. **Yes.**
4 Q -- or you challenged him with respect to its use,
5 specifically dealing with you, correct?
6 A. **That's correct.**
7 Q When did those two conversations occur?
8 A. **One in J, I heard that several times. I would say**
9 **whenever he would start ranting with the F word in my**
10 **office, he did that, and that would have been in early**
11 **'97 that I told him I didn't want to hear that word**
12 **anymore. And I know at a time before that he had said,**
13 **he would say, go back to doing your social work if you**
14 **can't take it.**
15 **The one in D, that was said Debra Green is the one**
16 **that heard him saying that. It was a -- the office was**
17 **open for business. He was going back and forth between**
18 **two offices just ranting and raving about no F-ing**
19 **sense, no F-ing training, no F-ing ability. To my**
20 **understanding it continued on for approximately 10**
21 **minutes.**
22 Q Would those comments have offended you had he left the
23 word fuck out?
24 A. **No. I'm sorry, yes, they would have offended me.**
25 Q If he had said no sense and no training and no ability,

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1 it still would have offended you?
2 A. **Absolutely.**
3 Q Does the expletive add anything to the sense of outrage
4 that you felt with him screaming at you that you had no
5 sense, no training, and no ability?
6 A. **Of course it did.**
7 Q In what way?
8 A. **I find the F word offensive. It just makes it more**
9 **derogatory towards me.**
10 Q After the tirade, as you described it outlined in 17 D,
11 what did you do?
12 A. **Like I said, that was said in front of Ms. Green. I was**
13 **on my way to the office and she called and told me what**
14 **he had said. She was afraid for my safety. She said,**
15 **he is in a tirade, go anywhere but don't come into the**
16 **office, he is just on a tirade.**
17 Q Were you not there when he said that?
18 A. **No, I was not. It was in front of Miss Green and he was**
19 **saying it between I believe it was Mr. Thielemann and I**
20 **believe Mr. Miller.**
21 Q So you weren't even physically present when the outburst
22 occurred that's alleged in 17 D?
23 A. **No, I was not.**
24 Q You were not in the office?
25 A. **No, I was not. I was on my way to the office and Miss**

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1 **Green called and told me what Mr. Graham had said.**
2 Q All right. So it wasn't as if he was confronting you in
3 person and saying those things; he was doing it in
4 response to something that set him off in the office?
5 A. **He had told me before he felt I had no F-ing ability.**
6 **He told me that in the office.**
7 Q Did you report that to anybody?
8 A. **Yes. That was whenever, probably almost at the point**
9 **where I went down to Human Resources. Well, it was**
10 **called the, yeah, Human Resources.**
11 Q And that was in April of 1997?
12 A. **Yes.**
13 Q And was it that outburst or something like it that
14 caused you to go to Human Resources?
15 A. **I think it was just a combination of everything. It was**
16 **getting worse. No matter what I did, it was wrong.**
17 **Anything I did in the past, if I did it now it was**
18 **wrong.**
19 **Comments were made to me by other probation**
20 **officers saying, well -- if I would say, how are you**
21 **doing this, show me how you do this, and they said don't**
22 **come to me because we can do it one way but he won't**
23 **allow you to do it that way.**
24 **And one of the co -- another probation officer had**
25 **copied the harassment discrimination policy from the**

1 county handbook, almost like as a reminder, like I was
 2 so caught up in this that he reminded me, he said, you
 3 need to go see somebody. He was observing what was
 4 going on.
 5 Q And who was that?
 6 A. **That was Darby Christlieb.**
 7 Q Do you remember when that was?
 8 A. **It was right before I went down and spoke to**
 9 **Mr. Hartnett.**
 10 Q But you knew that that policy existed, correct?
 11 A. Yes, I did. But I think I was so caught up in wondering
 12 what I was doing wrong that I wasn't even thinking
 13 beyond that. I, you know, to complain to
 14 Mr. Osenkarski, I knew it wouldn't do me that much good
 15 because he was not in the office that much. He really
 16 had relinquished his power to Mr. Graham.
 17 Q And I gather you never pursued that route, you never
 18 complained to Mr. Osenkarski?
 19 A. Yes, I did. One day I did complain to Mr. Osenkarski.
 20 Q When was that?
 21 A. That was --
 22 Q About this same time, about April of '97?
 23 A. It would have been a couple, yeah, a couple months, yes.
 24 Q Well, a couple of months or a few days?
 25 A. It was not a few days. It was probably prior to that.

1 It was -- I can't come up with the date right now.
 2 Q You filed your complaint with Dan Hartnett on April 25,
 3 1997.
 4 A. **That's correct.**
 5 Q When would it have been in reference to that?
 6 A. I would say probably guessing, February, March.
 7 Q And you actually met with Mrs. Osenkarski?
 8 A. Yes, I did.
 9 Q In February or March of 1997?
 10 A. **Right.**
 11 Q Where did you meet with him?
 12 A. **In his office.**
 13 Q What did you say to him?
 14 A. Mr. Graham had just got done screaming and throwing me
 15 out of his office because he didn't like how I had
 16 handled several cases. And I went into Mr. Osenkarski
 17 and I said, you've got to stop, you've got to get this
 18 man under control.
 19 Q Why was he unhappy with you in February or March of '97?
 20 Meaning Mr. Graham.
 21 A. **I have no idea.**
 22 Q Why was he screaming at you?
 23 A. He just was unhappy with the way I handled the cases, I
 24 presume, the pattern I had done a hundreds of times
 25 before. No, a hundred times, 50 times before.

1 Q So the basis for him screaming at you had to do with his
 2 assessment of your performance?
 3 A. **Yes.**
 4 Q And he was unhappy with your performance, he told you --
 5 screamed at you and told you to get out of his office?
 6 A. **Threw me out of his office.**
 7 Q Did he give you any instructions in terms of how he
 8 wanted you to do it differently?
 9 A. **No.**
 10 Q So just threw you out of the office over a performance
 11 issue. You then went to Mr. Osenkarski in February
 12 March, and said, you've got to get this guy under
 13 control?
 14 A. **Right.**
 15 Q What details did you give Mr. Osenkarski in February
 16 March of 1997 about Graham's behavior?
 17 A. He had been back in the office to begin with when I had
 18 started discussing this case with Mr. Graham. And I had
 19 looked to Mr. Osenkarski, I said, is this not the way we
 20 always proceed, the same thing we've always done? And
 21 he said, yes, but Mr. Graham's in charge. He verified
 22 that that, indeed, was the way, you know, when we turned
 23 cases in to Mr. Osenkarski that he was fine with it, but
 24 **Mr. Graham was in charge.**
 25 Q So if I understand correctly, there was an issue about

1 the manner in which you were doing some paperwork, I
 2 guess?
 3 A. **Right.**
 4 Q Graham started to challenge you, Osenkarski was present.
 5 You said to Osenkarski, isn't this the way we always do
 6 it?
 7 A. **Um-hum.**
 8 Q And Osenkarski said, yeah, but Graham's in charge?
 9 A. **And he exited and went to his office.**
 10 Q Graham then proceeded to scream at you?
 11 A. **Right, and threw me out of the office.**
 12 Q Over the manner in which you were doing certain
 13 paperwork?
 14 A. **Right.**
 15 Q Threw you out of the office and you went to Osenkarski?
 16 A. **Osenkarski's office.**
 17 Q And said, you've got to get this guy under control?
 18 A. **Absolutely.**
 19 Q Was there any solicitation of sex involved?
 20 A. **No.**
 21 Q What was it about the conversation or comments by
 22 Mr. Graham that you found to be demeaning? If you did.
 23 A. **Telling me that I wasn't doing -- like I said, things**
 24 **that I had done before were okay, now all of a sudden**
 25 **they were not okay. The yelling at me, not even**

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1 explaining anything.

2 Q Had you done similar or identical paperwork in the same

3 fashion previously?

4 A. Yes.

5 Q Without complaint from him?

6 A. Yes.

7 Q Did you ever get an explanation from him as to why it

8 was okay before but it wasn't okay now?

9 A. No, I didn't.

10 Q Other than Mr. Osenkarski, did you report that episode

11 to anybody else?

12 A. To Mr. Hartnett.

13 Q Is that when you went to Mr. Hartnett?

14 A. It was about that time, yes.

15 Q Do you remember the date on the first occasion in which

16 you complained to Mr. Hartnett?

17 A. No, I don't. It was probably the beginning of --

18 Q April?

19 A. April, yes.

20 Q Of 1997?

21 A. Um-hum.

22 Q In 17 B, you mentioned this during your earlier

23 testimony today, you make reference to wadding up paper.

24 Do you recall exactly when that occurred?

25 A. Again, it was '97 -- I believe it was '97.

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1 Q Was that something else that you noted in your personal

2 notes?

3 A. Yes.

4 Q And is there a date contained in those notes, to the

5 best of your recollection?

6 A. Yes. Yes, there is.

7 Q What was the subject matter of the discussion that

8 morning? If it was morning.

9 A. It was morning. I was in my office. Debra Green was

10 also sitting in my office with me. Mr. Graham came in.

11 I believe I had the file in my desk. Again, it was the

12 composite of the victims I had listed extensively for

13 the crime. He was for some reason not happy with how I

14 had done that. He came in, wadded the paper up, and

15 this is, I don't know what he called it but he was not

16 happy with it. He wadded the paper up and threw it at

17 me.

18 He pointed his finger in my face and started

19 saying, you have no -- don't know what you're doing,

20 just on and on, you have no fucking idea what's going on

21 here. He was pushing my pictures on my desk towards me,

22 moving them around and getting right in my face.

23 My office, I only had the one entrance and he was

24 blocking the entrance and he had his hand in my face,

25 his finger in my face shaking at me.

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1 Q Was Debra Green there for the entire event?

2 A. Yes, she was. And he was loud when he did this. And

3 it's an open office.

4 Q It was loud?

5 A. He was very loud and it was an open office. My door

6 wasn't shut. He was letting me know.

7 Q And he was letting you know that is he --

8 A. He was very angry.

9 Q And very angry, again, about your performance on some

10 given task?

11 A. Right.

12 Q He used the word fuck?

13 A. Yes, he did.

14 Q How long did that episode last?

15 A. Felt like an eternity. Probably he went on and on for

16 several minutes. I'd say at least three, four minutes,

17 he went on and on.

18 Q How close did he get to you?

19 A. His finger was right in my face. He came around to my

20 desk, his finger was right in my face.

21 Q He was pointing at you?

22 A. Yes, he was.

23 Q And saying what? You have no idea what you're doing?

24 A. Yes. F-ing this, and yes, he would scream when he would

25 talk.

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1 Q Other than Deb Green did anybody else witness that

2 episode?

3 A. I'm sure other people heard it. The secretary's desk is

4 right outside of my door. But Debra was right in there

5 when it happened.

6 Q Did you ever hear Mr. Graham scream at anybody else?

7 A. Yes, I've heard him scream at other people.

8 Q Who?

9 A. The director of Children and Youth.

10 Q Who's that?

11 A. Gary Shuey. There was a meeting in the one of the back

12 rooms.

13 Q Do you know what that was about?

14 A. I don't know. I have no idea. We just heard the voices

15 and him screaming.

16 Q Who else has he screamed at?

17 A. He had raised his voice to quite a few people. As far

18 as screaming, that kind of thing, I never heard him do

19 that at anybody but me.

20 Q So the only person that you've heard him, the only two

21 people you've heard him ever scream at are you and

22 Mr. Shuey?

23 A. That I can recall, yes.

24 Q But you have heard him raise his voice with others?

25 A. Yes.

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1 Q Can you tell me who those people are? Let me ask it to
2 you a different way.

3 Is there anybody who you haven't heard him raise
4 his voice with?

5 A. **Many people.**

6 Q Who?

7 A. Sam Miller. Hank Thielemann. Dennis Drachbar. The
8 secretaries, I can't recall him doing that.

9 Q How long have Miller, Thielemann and Drachbar been with
10 the Probation Department?

11 A. **I'd say probably over 20 years now.**

12 Q Was his elevated tone of voice something that he used
13 with newer employees?

14 A. **No, not that I believe. No.**

15 Q So who else did you hear him raise his voice with?

16 A. Those are the only three -- I heard him, he would go in
17 to Chief Bolze, he would get loud with him. And with
18 **Mr. Osenkarski, he would get very loud with**
19 **Mr. Osenkarski.** Not to the point of screaming, but he
20 basically told Mr. Osenkarski what he would do or what
21 **he wouldn't do.**

22 Q Dictating to Osenkarski?

23 A. **Absolutely. Absolutely.**

24 Q And he did that in a very loud and forceful manner?

25 A. **Yes. I saw him do that several times.**

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1 Q Did you ever hear him use the fuck word with Osenkarski
2 or Bolze?

3 A. **No.**

4 Q How about anybody else?

5 A. Yes, he would. Just in conversation, describing things,
6 **not in an angry manner.**

7 Q So he used the fuck word as part of his regular
8 vocabulary?

9 A. **I wouldn't say regular, but you heard it occasionally.**

10 Q How about any other swear words, was there anything else
11 that was part of the vocabulary?

12 A. **Not that I can recall.**

13 Q So the principal word that you heard or at least
14 remembered was fuck?

15 A. **Seemed to be.**

16 Q Is there anything else in 17 A through E that we haven't
17 talked about?

18 A. **I don't believe.**

19 Q In paragraph 19 you allege that Mr. Osenkarski also is
20 guilty of harassment, correct?

21 A. **That's correct.**

22 Q Let's look at those allegations, if we could. In 19 A
23 you say he called attention to your gender and made
24 inappropriate comments about other females.

25 Specifically, what did he say?

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1 A. He made the comment when I was standing at the door of
2 our office talking to another probation officer, Mike
3 Varner, he walked past -- Mr. Varner and I had no
4 relation -- were engaged in a conversation, and he just
5 walked past and he said about a female intern's breasts,
6 **that she had a nice said of jehoobees, and then**
7 **continued to walk out the door.**

8 Q Did he ever make any inappropriate comments with respect
9 to you personally?

10 A. **No.**

11 Q Other than this one episode where he made a comment
12 about the young girl's breasts, were there any other
13 episodes where Mr. Osenkarski said something that you
14 thought was inappropriate?

15 A. **Yes. There was a time that Mr. Osenkarski was**
16 **discussing his girlfriend's genital area, Debra Green**
17 **was a witness to this, that he spoke about when he was**
18 **canning hot peppers that their fingers would get hot,**
19 **and he had learned his lesson about inserting them in**
20 **her because it burned her. And this comment was made,**
21 **Ms. Green heard this and there was other secretaries**
22 **there.**

23 Q When did that occur?

24 A. **I'd say '98. I'm speculating on this date. '99.**

25 Q Was that something else that you also noted on your

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1 notepad?

2 A. **Yes. Correction. It looks in here it says in September**
3 **of 2000 when he made that comment.**

4 Q That was September of 2000?

5 A. **Yes, according to my reporting.**

6 Q So the inappropriate comments made by Chief Osenkarski
7 from the time you joined the Probation Department in
8 February of '95 until September of 2000, a period of
9 five years, you can identify two, correct?

10 A. **No, there are others.**

11 Q Okay.

12 A. **On September 12th, 2000, Mr. Osenkarski informed two new**
13 **female probation officers they would have to dance on**
14 **the table at their first staff meeting. Ms. Green heard**
15 **this comment. It was a staff meeting that was about to**
16 **begin.**

17 Q So we're now up to three; is that correct?

18 A. **There was also Mr. Osenkarski commented to a new female**
19 **probation officer that hysterectomies ruin women. To my**
20 **knowledge, I was possibly the only one in the office**
21 **that had that.**

22 Q Did he know that you had had a hysterectomy?

23 A. **Yes, he did.**

24 Q Did you interpret that comment as being directed to you
25 personally?

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1 A. **Yes, I did.**
 2 Q Was he looking at you when he said it?
 3 A. **No. I was not present when he said that.**
 4 Q You were not present?
 5 A. **No, I was not. I was --**
 6 Q How did you learn of the comment?
 7 A. The girl herself told me, Gail Schuhart, a probation
 8 officer. Mr. Osenkarski would tell Ms. Schuhart that
 9 she reminded him of his ex-wife.
 10 Q Was that somehow inappropriate?
 11 A. **She was uncomfortable.**
 12 Q Ms. Schuhart was?
 13 A. **Yes.**
 14 Q The comment about dance on the table?
 15 A. **Yes.**
 16 Q What is it about that comment that you find offensive?
 17 A. **It's demeaning. I don't believe he ever told men, guys**
 18 **that they had to dance on the table at the first staff**
 19 **meeting. You usually don't see guys dancing on tables.**
 20 **That's probably presumed by most people it's**
 21 **provocative.**
 22 Q Was that said in jest?
 23 A. **I was not there. Debra Green was there when it happened**
 24 **as well as other probation officers.**
 25 Q So you were not present to hear that comment, either?

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1 A. **No, I was not.**
 2 Q Were you aware of any of the new female probation
 3 officers that actually had to dance on tables?
 4 A. **No.**
 5 Q Are you aware of any female that ever danced on a table
 6 at any probation meeting?
 7 A. **Not that I know of, no.**
 8 Q So of the allegations contained in your paragraph 19,
 9 you were present for the comment about the intern's
 10 breasts, correct?
 11 A. **Correct.**
 12 Q Were you present for any of the other comments?
 13 A. **No. I was just informed about those.**
 14 Q Okay. So in your presence, the only comment that was
 15 made by Mr. Osenkarski amounted to the comment about the
 16 young girl's breasts, right?
 17 A. **Yes.**
 18 There was one other incident where I was at a
 19 training with Mr. Osenkarski and Mr. Graham in Penn
 20 State, and it was on sexual, juvenile sexual offenders I
 21 believe is how it was defined. And Mr. Osenkarski had
 22 on him a Bic lighter, Bic type lighter, and when he
 23 flicked it, it was a penis. And he flicked it at the
 24 female presenter several times.
 25 Q When was that?

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1 A. **It was '96.**
 2 Q Do you know when in 1996?
 3 A. **No, I don't.**
 4 Q And who attended the Penn State conference?
 5 A. **Juvenile Probation officers.**
 6 Q Did he ever flick the Bic at you?
 7 A. **Yes, he did. He did that wherever he was.**
 8 Q Was there any comment or solicitations associated with
 9 it?
 10 A. **No. Not towards me, no.**
 11 Q What was his purpose in doing so?
 12 A. **Just amusing people, I guess, because it was a sexual**
 13 **offenders program and this woman was presenting on**
 14 **sexual offenders.**
 15 Q In paragraph 20 you allege that you've been given less
 16 desirable assignments.
 17 A. **Yes.**
 18 Q Tell me what you mean by that.
 19 A. **In the past. I have been, there were times where**
 20 **assignments were not given out to males to supervise**
 21 **females because of concerns of maybe inappropriate**
 22 **allegations being made. That was never the issue with**
 23 **me. I was given cases where the boys would need urine**
 24 **tests, they might not even be in school. Schools do not**
 25 **want to do urines for us. It just puts me in the same**

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1 position. But I was required to do the urine testing,
 2 drug users, who needed that constant urine testing. It
 3 was almost impossible for me to get a good urine because
 4 I can't observe what they're doing.
 5 I was given cases of large males, large aggressive
 6 males -- obviously, I'm not a very large person -- that
 7 I was to supervise them in their home by themselves,
 8 assaultive. It was just -- size-wise it was an
 9 inappropriate assignment.
 10 Q Did you protest that assignment to anybody?
 11 A. **I talked to at the time it was Mr. Thielemann who had**
 12 **assigned that case, concerns about that, that I can't**
 13 **urine test. And physical-ness. And --**
 14 Q Are we talking about one case involving urine tests of
 15 males?
 16 A. **No, there were several. I would get, you know,**
 17 **routinely cases males that needed a urine screening,**
 18 **where I would see males not getting assigned to females**
 19 **who needed the same thing.**
 20 Q How many cases involving this urine-sampling problem got
 21 assigned to you?
 22 A. **Really, now, all males need to be urined and I have, you**
 23 **know, cases with males.**
 24 Q Do you have any idea of the relative caseload of male to
 25 female in the Probation Department?

1 A. The girls are getting more and more. Males, I would
 2 just speculate probably 75 percent male, 25 percent
 3 female. It could be more than that for females now.
 4 Q And how about in the time frame 1995 to 1996?
 5 A. I would say it probably would be about the same then. I
 6 think it's getting more now, more females.
 7 Q What else, other than the urine testing or the size of
 8 the particular male probation people, are you referring
 9 to when you say you got less desirable assignments?
 10 A. The numbers. My assignment numbers were extremely high
 11 compared to others for while. That is not -- now it's
 12 not happening.
 13 Q You had a high caseload?
 14 A. Yes, I did, compared --
 15 Q When was that?
 16 A. That would be in '96, '97.
 17 Q What was your caseload?
 18 A. I don't know the numbers right now, but just looking in
 19 comparison, mine was a lot higher.
 20 Q What do you mean by a lot higher?
 21 A. Perhaps six, seven more than other ones.
 22 Q What was your average caseload in the '96-'97 period?
 23 A. I'm guessing, speculating 25, 30, 35, somewhere around
 24 there.
 25 Q In 20 B you say that other probation officers

1 continually reminded that you were in physical danger of
 2 retaliation by Graham?
 3 A. Yes.
 4 Q Who were the probation officers that told you that?
 5 A. Sam Miller. Dennis Drachbar. Darby Christlieb. Debra
 6 Green. Kerry Houser. I've been told to always be
 7 careful where I go because of Mr. Graham by the sheriff
 8 and by the CID Department.
 9 Q What's CID?
 10 A. Central Investigation Department of the DA's office.
 11 They had advised me to call my local police and inform
 12 them of Mr. Osenkarski's type of car and Mr. Graham's
 13 type of car. They also asked me to get a phone
 14 monitoring -- number monitor on my phone.
 15 Q Did you do that?
 16 A. Yes, I did. My own cost.
 17 Q Did you ever receive any crank calls?
 18 A. We receive lots of crank calls. My husband could verify
 19 that. Probably for a while it was one to two a day,
 20 hang-up calls. We could not trace the number, it would
 21 be unavailable or anonymous. Usually unavailable.
 22 Q Do you have any reason to believe that any of those
 23 calls were made by Mr. Graham or Mr. Osenkarski?
 24 A. Yes, I do.
 25 Q On what basis?

1 A. Just knowledge of the potential, what they could do.
 2 And the police, like I said, the CID are the ones that
 3 informed me that that would be a good idea for me to do.
 4 Q When did Mr. Miller tell you that you should be
 5 concerned about physical danger?
 6 A. Specifically, he told me on, it was it 1999. He said
 7 that he was aware and he was concerned about how angry
 8 he had heard Mr. Graham was, and that I needed to watch
 9 myself.
 10 Q Did he indicate that he had received any firsthand
 11 information from Mr. Graham that he was threatening you?
 12 A. I don't think they would ever tell me specifically that
 13 they would. They were just sort of alerting me just to
 14 be careful.
 15 Q How about Mr. Drachbar?
 16 A. Mr. Drachbar, again, he was concerned -- most of them
 17 expressed concern to me or they'll just say, watch your
 18 back, be careful, you know. Or else they'll say
 19 Graham's around or those kind of things, to let me know.
 20 Q Has Mr. Graham ever physically threatened you?
 21 A. He has threatened that he'll punish me. He will punish
 22 anybody who crosses him. And knowing his history with
 23 his wife, I absolutely believed him.
 24 Q When did he threaten to punish you?
 25 A. That was an ongoing thing after he was starting to get

1 angry. And we were always told ahead of time even
 2 before that, just letting us know what they had done to
 3 people before, Mr. Osenkarski, Mr. Graham, that they
 4 punished people. They liked to say that.
 5 Q Was this '96-'97?
 6 A. Even before -- well, after I -- once I started there,
 7 these are comments I heard.
 8 Q From February '95 on?
 9 A. Right, about the punishment phase.
 10 Q Mr. Graham no longer has any supervisory
 11 responsibilities over you; is that correct?
 12 A. No, he did not.
 13 Q And hasn't had since the summer of '97? Let's approach
 14 it this way.
 15 A. Right.
 16 Q Sometime after you filed your Complaint --
 17 A. Right.
 18 Q -- you received a letter, did you not, removing all
 19 supervisory responsibilities with respect to Mr. Graham?
 20 A. Yes, I did. It would have been spring of '97, I think.
 21 Late spring, probably.
 22 Q And we'll get to that at some point.
 23 A. Okay.
 24 Q And Mr. Osenkarski, of course, has remained in the
 25 Department throughout, correct?

<p style="text-align: right;">Page 186</p> <p>1 A. Yes, he has.</p> <p>2 Q Has he retaliated against you in any fashion whatsoever?</p> <p>3 A. Not directly, no.</p> <p>4 MR. THOMAS: Let's take a couple of minutes, okay?</p> <p>5 (Recess taken from 3:31 until 3:44 p.m.)</p> <p>6 BY MR. THOMAS:</p> <p>7 Q Barb, before we took the break you were talking a</p> <p>8 minute ago about the comments or concerns involving</p> <p>9 Mr. Osenkarski, and remember, we reviewed those and you</p> <p>10 were only personally present for one of those, as I</p> <p>11 recall. Do you recall that conversation? It's</p> <p>12 paragraph 19 of your Complaint.</p> <p>13 One of the things I forgot to ask you there was,</p> <p>14 you indicated that other probation officers informed you</p> <p>15 of the comments that he had made.</p> <p>16 A. Yes.</p> <p>17 Q Who were those probation officers?</p> <p>18 A. As regard to E would have been Debra Green. D would be</p> <p>19 Debra Green observed it. The two females would have</p> <p>20 been Gail Schuhart and Jill Grim-Rhoads, that's</p> <p>21 hyphenated.</p> <p>22 MR. MacMAIN: Would you repeat that last name?</p> <p>23 THE WITNESS: Grim-Rhoads, G-R-I-M-E, hyphen,</p> <p>24 R-H-O-A-D-S, I believe.</p> <p>25 C would have been Gail Schuhart. I think I already</p>	<p style="text-align: right;">Page 188</p> <p>1 Probation Department, correct?</p> <p>2 A. That's correct.</p> <p>3 Q And you say that still has not been solved to your</p> <p>4 satisfaction?</p> <p>5 A. No. I'm still below him. I had -- when I first started</p> <p>6 with Probation I was above him, and then he was moved</p> <p>7 down when we split. Well, not when we split, whenever</p> <p>8 the -- yes, when the seniority list was changed.</p> <p>9 Q And what aspects of your employment does that seniority</p> <p>10 list affect?</p> <p>11 A. It could be an on-call. We have to go by seniority when</p> <p>12 you put down for on-call. Any kind of promotion has</p> <p>13 always been historically longevity. And I think it's --</p> <p>14 I don't know of any other times that promotions were not</p> <p>15 based on longevity and, well, seniority list. And so</p> <p>16 that would affect me when that occurs.</p> <p>17 Q Have you ever been passed over for a promotion?</p> <p>18 A. When the senior -- a senior probation officer position.</p> <p>19 And I said, wait a minute, that I had more seniority</p> <p>20 than Bill Brandt.</p> <p>21 Q Are you now a senior probation officer?</p> <p>22 A. Yes, I am.</p> <p>23 Q When were you made a senior probation officer?</p> <p>24 A. I don't know the exact date. '98, I believe.</p> <p>25 Q How about May 7, 1998?</p>
<p style="text-align: right;">Page 187</p> <p>1 said that.</p> <p>2 And that would --</p> <p>3 BY MR. THOMAS:</p> <p>4 Q Let's go back to paragraph 20, now, I believe is where</p> <p>5 we were. In D you make reference to seniority problems.</p> <p>6 There was a dispute at one point, was there not, over</p> <p>7 whether probation officers got credit for all county</p> <p>8 time or only time in the Probation Department; is that</p> <p>9 correct?</p> <p>10 A. After we split, after we became juvenile and adult.</p> <p>11 Prior to that, they had already established a policy.</p> <p>12 Q And that dispute arose, and as I understand it, you</p> <p>13 correct me if I'm wrong, I gather that seniority problem</p> <p>14 has been solved to your satisfaction?</p> <p>15 A. No. I'm still below on the seniority list. I'm still</p> <p>16 below the gentleman who I had been above when I was</p> <p>17 hired.</p> <p>18 Q Based on total time?</p> <p>19 A. Yes.</p> <p>20 Q And who is that gentleman?</p> <p>21 A. That's William Brandt.</p> <p>22 Q And the dispute centers around whether or not a</p> <p>23 probation officer, in terms of seniority, gets credit</p> <p>24 for all time while employed in any branch of county</p> <p>25 government, or whether the only time that applies is the</p>	<p style="text-align: right;">Page 189</p> <p>1 A. Okay.</p> <p>2 Q When did you think you were eligible to become a senior</p> <p>3 probation officer before that?</p> <p>4 A. They had promoted -- they had -- Mr. Osenkarski had</p> <p>5 posted that Mr. Brandt would be a senior probation</p> <p>6 officer, and I'm not sure when that had happened, but it</p> <p>7 was in the prior probably six-month period.</p> <p>8 Q Do you know as a matter of fact or is it merely your</p> <p>9 suspicion that you weren't promoted to a senior</p> <p>10 probation officer at the same time as Mr. Brandt? That</p> <p>11 was a very awkward question. Do you understand it?</p> <p>12 A. No, I don't. Would you rephrase that?</p> <p>13 Q What I want to know is why you believe that Mr. Brandt</p> <p>14 was made a senior probation officer before you were.</p> <p>15 A. They changed the seniority list, one thing, and put him</p> <p>16 above me. So again, the seniority.</p> <p>17 And also, Mr. Graham had told me that I didn't need</p> <p>18 it as much as Mr. Brandt did, that I had a rich husband,</p> <p>19 and that Mr. Brandt -- I'm sorry, and Mr. Brandt would</p> <p>20 have a family, eventually get married and have a family</p> <p>21 and he would need it more than I would.</p> <p>22 Q Do you know as a matter of fact that Mr. Brandt was made</p> <p>23 a senior probation officer before you were?</p> <p>24 A. He was, until I complained.</p> <p>25 Q And then what happened?</p>

1 A. Then I guess there was discussion about that,
2 Mr. Osenkarski and -- I don't know who all. All I know
3 is discussion was held and that seniority move was put
4 on hold.
5 Q What was the end result?
6 A. We were both promoted. He still remained senior to me,
7 though.
8 Q So you were both made senior probation officers at the
9 same time?
10 A. Yes.
11 Q What other effect has it had on your employment, if any?
12 A. At this point, nothing. It's just potential, as I said.
13 If there's promotions, looking at the seniority list, he
14 is above me.
15 Q Is he the only one that's affected?
16 A. Yes, he is.
17 Q In paragraph 21 of your Complaint you indicated that you
18 complained about harassment, sexual harassment by Graham
19 and Osenkarski to Mr. Hartnett on April the 8th, 1997.
20 You see that allegation in paragraph 21?
21 A. Yes, I do.
22 Q Is that, in fact, the first time that you filed a formal
23 complaint?
24 A. That's the first time I went down and spoke to
25 Mr. Hartnett about that, yes.

1 Q And was that pursuant to the policies and procedures
2 that you were aware of regarding harassment and
3 discrimination?
4 A. Yes, it was.
5 Q Did you follow that meeting up with a written
6 memorandum?
7 A. Yes, I did, on April 25th.
8 (Varner Deposition Exhibit No. 1 was marked.)
9 BY MR. THOMAS:
10 Q I've placed in front of you what we've marked as your
11 Deposition Exhibit No. 1. Do you recognize that
12 document?
13 A. Yes, I do.
14 Q And is that, in fact, the April 25, memorandum that you
15 filed with respect to your claims here?
16 A. Yes, it is.
17 Q And was that filed pursuant to the harassment and
18 discrimination policy that you were aware of as part of
19 your employment?
20 A. Yes, it is.
21 Q Did you attempt to detail in that document all the
22 various events, some of which we've discussed here
23 today?
24 A. Yes, I did.
25 Q And at the time, that was your recitation in terms of

1 the behavior that you thought violated your rights,
2 correct?
3 A. That's correct.
4 Q Are you aware that following your submission of that
5 document that an investigation was commenced?
6 A. Yes, it was.
7 Q And it was commenced by or on behalf of individuals in
8 the county; is that fair?
9 A. To my knowledge, yes.
10 Q County and the court?
11 A. Yes.
12 (Varner Deposition Exhibit No. 2 was marked.)
13 BY MR. THOMAS:
14 Q I've placed in front of you a document which we've
15 marked as your Deposition Exhibit No. 2. Do you
16 recognize that document?
17 A. Yes.
18 Q Do you recognize and can you identify that as a document
19 authored by Joe Osenkarski?
20 A. His initials are on that, yes.
21 Q And you received a copy of this document at about the
22 time it was published on June 13, 1997?
23 A. Yes.
24 Q And was this one of the actions taken as a result of
25 your complaint?

1 A. I believe so.
2 Q You filed your complaint on April 25th, 1997, and on
3 June 13 Mr. Osenkarski removed Mr. Graham from any
4 authority or responsibility concerning your employment;
5 is that fair?
6 A. That's correct.
7 Q Were you interviewed as part of the investigation?
8 A. Yes, I was.
9 Q And did you talk to the investigator?
10 A. Yes, I did.
11 Q Described in detail the facts and circumstances of your
12 employment that troubled you?
13 A. Yes, I did.
14 Q And that you felt violated your rights?
15 A. Yes.
16 Q Were you subsequently advised that some corrective
17 action was going to be taken?
18 A. We were told that we would be very happy with the result
19 of the investigation.
20 Q Who told you that?
21 A. Mr. Deluce gave my attorney, Deb Wallet, that
22 information. We were never told what the results were
23 or the recommendation.
24 (Varner Deposition Exhibit No. 3 was marked.)
25 BY MR. THOMAS:

<p style="text-align: right;">Page 194</p> <p>1 Q I've placed in front of you a document which we've 2 marked as your Deposition Exhibit No. 13, and it shows a 3 copy to -- 4 MS. WALLET: 13? 5 BY MR. THOMAS: 6 Q I'm sorry, No. 3, that shows a copy to your attorney, 7 Debra Wallet. Do you see that? 8 A. Yes, I do. 9 Q Have you seen this document in the past? 10 A. Yes. 11 Q And do you recall having received or reviewed a copy of 12 this document in the summer of 1997? 13 A. Yes. 14 Q And the document, there's really two parts. It consists 15 of two letters, a letter of July 11 authored by Judge 16 Sheely, and a letter authored by him on July 17, 17 correct? 18 A. I never saw the first page, but the second page I'm 19 aware, the July 11th one. 20 Q And you're aware that on July 11 Judge Sheely imposed a 21 punishment against Mr. Graham, correct? 22 A. Yes, three-day suspension. 23 Q And the letter of July 17 amends the dates of the 24 suspension to July 25, 28 and 29, correct? 25 A. Yes.</p>	<p style="text-align: right;">Page 196</p> <p>1 Deposition Exhibit No. 4. Do you recognize that 2 document? 3 A. It's my writing, I can't -- Joanne, yes. She was with 4 EEOC, Joanne. 5 Q You say that is your handwriting? 6 A. Yes. 7 Q And Joanne was with EEOC, correct? 8 A. I believe so. 9 Q And this is a note that you wrote to her? 10 A. Yes. 11 Q Would you read it for the record, please? It's only two 12 sentences long. 13 A. I appreciate -- Dear Joanne, dated 7/21/97. I 14 appreciate any help you can give me to expedite this 15 procedure. As I explained to you, I am a court worker 16 and have had to go directly to you after Human Resources 17 denied being able to help. 18 Q Who are you referring to when you say Human Resources? 19 A. Probably perhaps maybe Human Relations rather than Human 20 Resources. 21 Q You're talking about a state agency there? 22 A. Yes. Yes, I believe. 23 Q And you've identified yourself there as a court worker, 24 correct? 25 A. Um-hum.</p>
<p style="text-align: right;">Page 195</p> <p>1 Q So you are aware that as a result of your complaint 2 initiated on April 25, by July 17, I guess more 3 appropriately by July 11, Judge Sheely, after an 4 investigation, gave Mr. Graham a three-day suspension, 5 correct? 6 A. Yes. 7 Q Did you agree with that -- 8 MS. WALLET: Let me just object to that. Aware 9 when? Aware in July or aware now? 10 MR. THOMAS: Aware in July. 11 BY MR. THOMAS: 12 Q Were you aware in July of 1997 that Judge Sheely had 13 given Mr. Graham a three-day suspension? 14 A. According to his Order. 15 Q Yes. 16 A. Yes, I see that. 17 Q When did you first file a complaint with the EEOC 18 office, if you recall? 19 A. I first filed with Human Relations and they informed me 20 that I needed to file with the EEOC in that it was the 21 courts were involved. 22 (Varner Deposition Exhibit No. 4 was marked.) 23 BY MR. THOMAS: 24 Q I've placed in front of you, Barb, a handwritten 25 letter dated July 21, 1997. It's marked as your</p>	<p style="text-align: right;">Page 197</p> <p>1 Q And was that because you understood that you were, in 2 fact, working for the court? 3 A. I work for both county and court. I was an officer of 4 the court in the Juvenile Probation Department, but I'm 5 also a county employee. I follow the guidelines of the 6 county book, procedural book. I'm paid by the county. 7 Q Who had the right to hire or fire you? 8 A. That would be Judge Sheely. The Court. 9 Q Did anybody else have the right to hire or fire a 10 probation officer? 11 A. No. I would say no. 12 Q It had to be done by the president judge? 13 A. I'm sure -- yes, final thing, yes. Final say. 14 Q You asked for, in a number of documents later you asked 15 for a number of things to be done, correct? 16 A. Um-hum. Yes. 17 (Varner Deposition Exhibit No. 5 was marked.) 18 BY MR. THOMAS: 19 Q At the time Mr. Graham was suspended by Judge Sheely, 20 did you have any objection to that action that was taken 21 by him, by Judge Sheely? 22 A. I didn't think it was nearly enough. 23 Q You thought it was an inadequate penalty? 24 A. Absolutely. 25 Q Why do you believe that?</p>

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1 A. Because it was a recurring derogatory threatening me. I
 2 **don't think that justified only three days. I was**
 3 **suffering problems at that point because of this, fear**
 4 **of my own safety. I didn't think it was enough.**
 5 Q So your objection to the penalty imposed was that it was
 6 an inadequate penalty?
 7 A. He still would have access to me. He would still be in
 8 our office. He would still be an employee of the
 9 county. Still be able to come across, be around the
 10 area.
 11 Q At that point he had been removed from any supervisory
 12 responsibility over you, correct?
 13 A. **That's correct.**
 14 Q And he had been given a reprimand and a three-day
 15 suspension?
 16 A. **Right.**
 17 Q And what you wanted at that point was you wanted him
 18 fired from the county?
 19 A. I -- what I had asked, that I did not think he should
 20 supervise any other females, and I wanted to not have
 21 **any contact with him whatsoever.**
 22 Q You personally?
 23 A. **Yes.**
 24 Q I've placed in front of you what we've marked as your
 25 Deposition Exhibit No. 5. Can you identify that for us,

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1 please?
 2 A. **Yes.**
 3 Q What is it?
 4 A. **This was my initial complaint to the EEOC.**
 5 Q Do you know when it was filed?
 6 A. I dated it 7/21/97. The date it was filed, let's see
 7 **the date on here. That's when I sent it.**
 8 Q That's when you sent it to EEOC?
 9 A. **Right.**
 10 Q Does this appear in your handwriting?
 11 A. **Yes, it is.**
 12 Q And the beginning on page 3 of the document and for
 13 several pages thereafter you detail the events that
 14 you're complaining about, correct?
 15 A. **Yes.**
 16 Q When you filed that action or claim in July of 1997,
 17 what is it that you wanted done?
 18 A. I wanted the harassment and the discrimination to stop.
 19 I wanted to be, have a safe environment that I could go
 20 to work and not worry about my supervisors, well,
 21 Mr. Graham, or Mr. Osenkarski, retaliating against me.
 22 I wanted what Title 7 said that I'm allowed to have, a
 23 harassment-free environment, safe environment to work
 24 in. I wanted to be treated equally. I wanted my
 25 seniority addressed.

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1 Q As of now, Mr. Graham has been physically removed from
 2 the courthouse, correct?
 3 A. **His office, he's located at the prison. I believe he**
 4 **does come to the courthouse sometimes. I'm not sure**
 5 **when.**
 6 Q But Judge Hoffer actually invoked a physical transfer
 7 which moved him out of the courthouse, correct?
 8 A. **That's correct.**
 9 Q So he is no longer in the same work premises that you're
 10 in on a day-to-day basis, correct?
 11 A. **Correct. That is correct.**
 12 Q He no longer has any supervisory responsibility over
 13 you, correct?
 14 A. **No, he does not.**
 15 Q Who's currently supervising you?
 16 A. **Sam Miller.**
 17 Q Do you have any complaints or concerns with respect to
 18 Mr. Miller?
 19 A. **No, I do not.**
 20 Q And how long has he supervised you?
 21 A. He was assigned as my supervisor back at this, when that
 22 was.
 23 Q July of '97?
 24 A. **Yes. And then, I'm not sure about the time frame, but**
 25 **then Mr. Thielemann became my supervisor for a period.**

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1 And then it returned to Mr. Miller maybe six months ago,
 2 **or, he was -- he was assigned me as a person to**
 3 **supervise.**
 4 Q Did you have any complaints with respect to your
 5 treatment by Mr. Thielemann while he was supervising
 6 you?
 7 A. I think at the very beginning he was -- I think he was
 8 maybe angry about the whole thing. I felt some, you
 9 know, resistance towards me. But he appears to be
 10 mellowing, I can use the word mellowing. He still
 11 supervises me for placement cases if I have children in
 12 placement. And Tom Boyer also supervises to the point
 13 of daily logs, close-out cases. But Mr. Miller is my
 14 primary supervisor.
 15 Q Now?
 16 A. **Yes.**
 17 Q Did you have occasion to ever complain about
 18 Mr. Thielemann in terms of any discrimination or
 19 harassment toward you?
 20 A. **No, I didn't.**
 21 Q So other than feeling some resistance as you described
 22 it, you've had a good working relationship with
 23 Mr. Thielemann?
 24 A. **Yes. He had done some of the stacking-on of**
 25 **assignments, the numbers were up. He was party to that.**

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<p>1 some time.</p> <p>2 That was something that was recommended by my</p> <p>3 doctor. I felt I would rather work than go on any kind</p> <p>4 of medical leave. I prefer -- because a lot of my work</p> <p>5 can be done from home. And it worked out fine except</p> <p>6 for court appearances.</p> <p>7 Q How long was that?</p> <p>8 A. Several months until I could be returned to work.</p> <p>9 Q And was there some sort of air-filtration system</p> <p>10 installed in your office?</p> <p>11 A. Yes. I was given an air-purifying system for my office.</p> <p>12 Q And has that solved your allergic problems?</p> <p>13 A. It seems to, yes.</p> <p>14 Q So since then, you've been relocated back in the</p> <p>15 building with air filtration in a private office, so to</p> <p>16 speak?</p> <p>17 A. I'm sharing an office at this time, but yes.</p> <p>18 Q Initially was it a private office?</p> <p>19 A. Yes, it was.</p> <p>20 Q What requests have you made that have not been</p> <p>21 satisfied?</p> <p>22 A. I want to be assured that there's no retaliation against</p> <p>23 me for filing this claim.</p> <p>24 Q Has there been any retaliation to date?</p> <p>25 A. Yes, there has been.</p>	<p>1 Q Okay. And you were offered the CASA position at your</p> <p>2 current salary in conjunction with a settlement of this</p> <p>3 litigation; is that also accurate?</p> <p>4 A. For withdrawing my suit, yes. Not settlement.</p> <p>5 Withdrawing my suit.</p> <p>6 Q We can argue about whether there's a difference or not.</p> <p>7 A. Yes.</p> <p>8 Q In any event, you chose not to take the position under</p> <p>9 either condition, correct?</p> <p>10 A. Yes.</p> <p>11 Q Other than the CASA job, have you been retaliated</p> <p>12 against in any other fashion?</p> <p>13 A. I think retaliation, knowing that I'm in fear, knowing</p> <p>14 that Mr. Graham has let people know that he will punish</p> <p>15 anybody, as well as Mr. Osenkarski will punish anybody</p> <p>16 who crossed them. Just having that awareness.</p> <p>17 Q Have you been punished?</p> <p>18 A. Not at this point.</p> <p>19 Q Let me talk to you about your damages for a few minutes.</p> <p>20 A. Okay.</p> <p>21 Q Who is your current family doctor?</p> <p>22 A. Dr. Theresa Burick, B-U-R-I-C-K.</p> <p>23 Q Where is she located?</p> <p>24 A. She's located on Poplar Church Road in Camp Hill.</p> <p>25 Q How long has she been your family doctor?</p>
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<p>1 Q In what manner?</p> <p>2 A. In the CASA position. I had applied for a position, a</p> <p>3 court-appointed special advocate program. It was a new</p> <p>4 program under the direction of Judge Guido. I had</p> <p>5 applied for that, been -- well, the judge had said in a</p> <p>6 meeting in 2000, March 1st, 2000, that he had chosen me</p> <p>7 as the designee to be the CASA director.</p> <p>8 We proceeded with -- they made the grant</p> <p>9 application using my salary as the salary for the</p> <p>10 position. Up to the very last minute, really, the 11th</p> <p>11 hour, I was in the process of getting things transferred</p> <p>12 over from Juvenile Probation to them, and my attorney</p> <p>13 was informed that I could not have the position unless I</p> <p>14 was willing to withdraw my Complaint.</p> <p>15 Q Were you offered a settlement in this case based upon</p> <p>16 taking the CASA position and maintaining your current</p> <p>17 salary?</p> <p>18 A. I didn't think my Complaint had anything to do with the</p> <p>19 CASA position. I was offered the position at a lower</p> <p>20 salary, which was, I believe it was \$29,000, which was</p> <p>21 almost 11,000 less than what I'm making, to withdraw the</p> <p>22 suit.</p> <p>23 Q You were, in fact, offered the CASA job but at a lower</p> <p>24 salary, as I understand your testimony?</p> <p>25 A. Yes, I was.</p>	<p>1 A. I'm guessing six years, six, seven years. I believe</p> <p>2 '96.</p> <p>3 Q So back to 1996?</p> <p>4 A. I believe so.</p> <p>5 Q Who was your family doctor before that?</p> <p>6 A. I really didn't have a family -- Dr. Sullivan, who I</p> <p>7 rarely saw.</p> <p>8 Q Where was Dr. Sullivan?</p> <p>9 A. He was located in Mechanicsburg.</p> <p>10 Q Is he still in practice?</p> <p>11 A. I believe he is. John Sullivan.</p> <p>12 Q How long were you with Dr. Sullivan?</p> <p>13 A. Maybe two years. He had broke off from another group.</p> <p>14 Q What was that group?</p> <p>15 A. Mazzitti Sullivan. Mazzitti and Sullivan. Cincotta,</p> <p>16 Mazzitti and Sullivan.</p> <p>17 Q Who did you see in that group?</p> <p>18 A. Whoever was available.</p> <p>19 Q And that's where you got your internal medicine, family</p> <p>20 physician type stuff?</p> <p>21 A. Yes.</p> <p>22 Q How long were you with that group?</p> <p>23 A. We were there from, my family was there, I'm guessing</p> <p>24 probably '72 till -- and Dr. Sullivan, carrying him</p> <p>25 over, probably till '96.</p>

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

BARBARA E. VARNER,
Plaintiff,

CIVIL ACTION
NO. 1:CV 01-0725

vs.

COMMONWEALTH OF PENNSYLVANIA,
NINTH JUDICIAL DISTRICT,
CUMBERLAND COUNTY; CUMBERLAND
COUNTY; S. GARETH GRAHAM,
Individually, and JOSEPH
OSENKARSKI, individually,
Defendants.

(JUDGE YVETTE KANE)

VOLUME 2

Pages 229 to 424

Deposition of: BARBARA E. VARNER

Taken by : Defendant Cumberland County

Date : January 28, 2003, 9:27 a.m.

Before : Emily Clark, RMR, Reporter-Notary

Place : Administrative Offices of
Pennsylvania Courts
5035 Ritter Road, Suite 700
Mechanicsburg, Pennsylvania

APPEARANCES:

DEBRA K. WALLET, ESQUIRE
For - Plaintiff

ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS
BY: A. TAYLOR WILLIAMS, ESQUIRE
For - Defendant Commonwealth of Pennsylvania
Ninth Judicial District, Cumberland County

THOMAS, THOMAS & HAFFER
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For - Defendant Cumberland County

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1 Q How did you know that?

2 A. Probably there are exit signs, I would assume, and

3 stairways. I know the elevator's right beside the

4 stairway. Of course, it says don't use the elevator.

5 **But there's an exit out.**

6 Q Okay. No one told you that that's the exit you use for

7 emergencies when you were in Children and Youth

8 Services, right?

9 A. There probably -- we probably had fire drills, yeah, and

10 **they would say which way to exit.**

11 Q Who would say that to you?

12 A. That would be, then it was the personnel -- the county

13 would run fire drills. I assume it came through the

14 Sheriff's Department or the fire companies, I don't

15 **know. But we would have fire drills.**

16 Q Okay. So you think the county's responsibility,

17 emergency process in fire drills, you think that goes

18 back to the county's responsibility; is that correct?

19 A. To ensure safety, sure, of the workers. Absolutely.

20 Q When you were with Children and Youth Services is that

21 when the Sheriff's Department would come and help with

22 the evacuation in case of an emergency, things like

23 that?

24 A. I don't recall. I just remember our director saying,

25 and in an evacuation we more sort of followed each other

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1 knowing how to get out, it was that type of thing. I

2 don't remember any actual training or anything.

3 Q Or any protocol?

4 A. No. Just, you know, us being told and signs saying you

5 **exit this way.**

6 Q So the key with you when you were with Children and

7 Youth Services in terms of exiting for an emergency or

8 even a fire drill was you follow everyone else; is that

9 correct?

10 A. **In general, yes.**

11 Q Would that be the same with the Probation Department,

12 that basically in an emergency or something happens,

13 everyone follows everyone else out of the building?

14 A. I think just common knowledge you use the stairways as

15 **in any building, you would not take the elevator, use**

16 **the stairway closest to you, and that would be common**

17 **knowledge, I would think, anywhere.**

18 Q You follow everyone else to exit?

19 A. **Basically, yes.**

20 Q Okay. At some point when you were with the Probation

21 Department you were given an office that was, it was a

22 closed-door office; is that correct?

23 A. **Yes.**

24 Q Okay. And that office didn't have any window, did it?

25 A. **Yes, it does. It has a window out to the secretarial**

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1 area. It's not to the outside, but there's a sliding

2 glass window that right outside there the secretaries

3 sit.

4 Q And while you're sitting down can you see the

5 secretarial staff as you just described?

6 A. **Generally I would -- we had, like, little mini blinds.**

7 **I would keep them turned so that the secretaries**

8 **couldn't see the clients that I had in there. But I**

9 **could see enough I could see the clock. But I really**

10 **didn't want my clients or them to see, you know, what**

11 **was going on in the office with clients.**

12 Q Okay. And you had this office, this closed-door office

13 at the time of the incident which you felt you were left

14 in the building; is that correct?

15 A. **Yes, I did.**

16 Q Okay. So when there's a fire drill that actually

17 happened on that day that you just described, you

18 couldn't see people going back and forth; is that true?

19 A. No, I did not. I was dictating. But everybody in the

20 office was aware that my door was shut.

21 Q How do you know that?

22 A. Because it was just common. They knew I had the air

23 purifier in there. It was just a common thing. My door

24 **was shut most of the time.**

25 Q Is that why you had that office to yourself, because of

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1 the air purifier?

2 A. No, I had gotten that office seniority-wise. It was one

3 of those things, that's the thing as you move up in the

4 seniority, if there's an office by yourself, that's sort

5 of something you sort of achieve to. And I was senior

6 and able to take that. When we really -- it was when we

7 **split our departments.**

8 Like I said, Mr. Osenkarski was aware I was in the

9 building. So were the other, the secretaries and stuff

10 were aware that I was there. And I had signed in on the

11 board which is directly outside of his door. At a very

12 **glance you can see who was in and who was out.**

13 Q Okay, okay. When Gary Graham was a supervisor in the

14 Probation Department he used to yell at other folks as

15 well; is that correct?

16 A. **Not as much as he did me. Not nearly as much.**

17 Q How much would he yell at others?

18 A. I don't -- it really wasn't, not so much. He would get

19 loud with them. Never that much derogatory to them,

20 **like your F-ing ability or actually making direct**

21 **comments to them about them. It was more in anger**

22 **talking about other things, F this, F that, or about**

23 **other people, about the chief, about everybody.**

24 Q So he would say F that hypothetically about anything or

25 everyone?

1 A. You heard him use that quite a bit, yes.

2 Q And Mr. Osenkarski was familiar with Mr. Graham's
3 language; is that correct?

4 A. Oh, yes.

5 Q Okay. But isn't that sort of the climate of the
6 department, persons are sort of free for all speaking
7 all types of ways?

8 A. You don't -- no. You don't hear that constantly in the
9 offices at all. That was not a constant thing. I can't
10 really think of anybody else who would be that -- he was
11 always just an angry, angry man, after we split and he
12 basically got power, got the authority that he could do
13 what he wanted.

14 He would be angry before that, about his wife,
15 about situations, about bosses, about anything. But it
16 was directed at me is what caused the problems for me,
17 when it was actually at me, the language, the anger,
18 that kind of, and the threats.

19 Q Okay. When you say split, you mean that you and Gary
20 stopped seeing each other?

21 A. No, no, no. When the Department split, the juvenile and
22 adult, after the Department split.

23 Q Okay, thanks.

24 A. And he sort of was left to be in power. Mr. Osenkarski
25 started delegating it to him.

1 Q But you were aware that Mr. Osenkarski's style
2 nevertheless was a hands-off approach to management?

3 A. I didn't know it was that extreme, that he would let
4 Gary do whatever he wanted to do.

5 When I started there, Ken Bolze was still chief.
6 Ken Bolze kept basically a lid on Mr. Graham and on
7 Mr. Osenkarski, that, you know, they had to go through
8 him before -- they had to answer to Mr. Bolze.

9 Q In terms of emptying out the building, clearing the
10 building of personnel when there's an emergency or a
11 fire drill, what do you think the responsibility is of
12 the Sheriff's Department in that situation for the
13 building?

14 A. My understanding is they come around and they assure
15 that every office has been cleared out. They look to
16 the directors of the department, whoever -- they always
17 look to whoever is senior officer in there, whether it's
18 chief or whoever is there, to assure that their office
19 is cleared.

20 And I believe they checked when they get out and
21 it's the chief or whoever is in charge, to meet with.
22 I'm not sure whether -- it's another department, they
23 have to meet with them and assure that their department
24 is clear, that everybody was out. And then I know the
25 sheriffs will go around afterwards with their dogs and,

1 you know, checking for bombs.

2 But ultimately it is the department head, whoever
3 is the department head at that time when it happens, to
4 make sure the office is cleared.

5 Q Okay. And how do you know that?

6 A. We had one prior to that, and we were evacuated. And at
7 that time they were going around getting all the
8 department heads together as soon as everybody was
9 cleared, saying, is all your people out, have you gone
10 down the roster, who was there, gone down the roster and
11 made sure they were out. And I assume that's the same
12 procedure they would follow.

13 Q The Sheriff's Department goes to the department head in
14 most cases?

15 A. I believe it's Personnel, well, Human Resources that
16 goes around and says -- the departments make a list of
17 who was in that building -- did you make sure they were
18 out, assuring that they were all left the building.

19 Q Okay. So during the drill, fire drill or emergency,
20 you're saying that --

21 A. During the bomb scare yes.

22 Q Bomb scare, I'm sorry, in this instance --

23 A. Right.

24 Q HR was the person, someone from HR would go to the
25 department heads and to determine if everyone was

1 accounted for?

2 A. Yeah. I believe was the Clerk of Courts. No, chief
3 clerk, chief with personnel. Those were the two people
4 that were in charge of in that the department had to
5 contact them to make sure everybody was out of the
6 building. So it was sort of that chain of command.

7 Q The bomb scare that you are referring to today, on that
8 particular occasion isn't it true that you were
9 physically already outside the building by the time HR
10 actually requested that Osenkarski report to them about
11 who was in and who was out?

12 A. I would have no idea about that. I know during the
13 initial bomb scare that they were on top of that very
14 quickly, wanting to know and saying you make a list as
15 soon as you got out. I heard them tell our secretaries,
16 telling our secretaries, who was there, make a list,
17 let's make sure they were all out of building. And so
18 they seemed to be on top of it in our first bomb scare.

19 Q Okay. Are you aware that Mr. Osenkarski after the
20 incident and with the bomb scare, actually went to the
21 HR department and advised them that there needed to be
22 more established protocols so that this would not happen
23 to you again?

24 A. It was my knowledge that Chris Miller, who was Human
25 Resources director at that time, called Mr. Osenkarski

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1 his regular secretary was not there but he had one of
2 his law clerks, she was typing, in the process of typing
3 a letter. And what I found out that it was the order he
4 was making or what he planned to do as a result of my
5 complaint, what his resolution would be. When I walked
6 into the office the judge said, come over here. And he
7 said, I just want you to know I've made a decision, and
8 then he said, why don't you come into my office with me.

9 So I walked into the judge's chambers with him, and
10 he proceeded to tell me that Mr. Graham and his wife and
11 Attorney Dave Foster had come to him, I believe it was
12 the day before, I believe, that they had, Mr. Graham had
13 confessed to this alleged affair to Judge Sheely. Judge
14 Sheely told me that he felt so sorry for them, that I
15 had ruined their family.

16 And I explained to Judge Sheely that it was all an
17 orchestrated thing, because up to that point as far as I
18 know, this alleged affair had never come up during the
19 whole investigation into anybody else. And I said to
20 Judge Sheely, if you were a man would you confess in
21 front of public, would you confess in front of a judge,
22 in front of an attorney, or wouldn't you be more
23 discreet and tell your wife at home and then handle it?

24 I feel it was a ploy, because I knew Barb Graham
25 had worked with Judge Sheely. He had basically a tender

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1 spot for Barb Graham. And I said to the judge, it did
2 not happen. And he said, well, I'm telling you, it was
3 just horrible, they were both crying. And just, you
4 could tell he had been -- it had been emotional for
5 Judge Sheely.

6 Q Is this the first time you had talked with Judge Sheely
7 about your complaints?

8 A. Yes, it is.

9 Q You never asked for an opportunity to speak with him
10 prior to this?

11 A. No. And I was surprised he did not ask for my attorney
12 and myself to meet with him prior to making this
13 decision. It was just made on an emotional time when --
14 and he just decided he was going to make this decision.

15 And he said to me, at that time he said that he
16 knows that they, well, meaning Joe and Gary, have been
17 asshole buddies for years. He said, I know they get
18 into a lot of stuff, they've been asshole buddies. And
19 he said, I'm not going to do anything else, you --
20 meaning me -- you have damaged this family enough. And
21 I said, I did not damage this family, the man who is
22 causing this is Mr. Graham, and I said, I just wanted
23 the harassment, I just wanted it to stop. And --

24 Q Could you and your attorney, and/or your attorney, have
25 requested a meeting with Judge Hoffer?

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1 A. He was writing the order at that time.

2 Q I'm sorry, I meant Judge Sheely. Strike that.

3 A. He was in the process of writing the order. He said,
4 I've made my decision.

5 Q Prior to that, could you have made an appointment with
6 Judge Sheely and spoken to him?

7 A. We didn't know where it was at. Dave Deluce had told my
8 attorney that we would be very happy with the
9 recommendation that they had made as a result of the
10 their investigation, and we assumed we would be hearing
11 from them. This was a sudden thing as far as I was
12 concerned. But I was just surprised that the judge did
13 not give us the courtesy of meeting with us and letting
14 us have our say.

15 Q But did you ask for such a meeting?

16 A. I believe I did mention it to him.

17 Q When?

18 A. At that, when I was in his office talking to him.

19 Q And what did he say to you?

20 A. He said, he had told -- he said, I have made my
21 decision. He was just so emotionally taken up by what
22 he had witnessed in his office.

23 Q Is it your understanding that Barbara Graham was there
24 when Judge Sheely talked with Gary about the affair?

25 A. That's when the confession was supposed to have

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1 happened. At least that's what Judge Sheely told me.

2 He said, they came up before me and they confessed, they
3 were both crying, and said it was horrible. And he kept
4 saying, look what you have done to their family. And I
5 said, Judge Sheely, I, I did not do anything to the
6 family, I did not have the affair, it was all a
7 performance for you.

8 Q Do you know for sure that Gary had not told his wife
9 about the alleged affair in private before meeting with
10 Judge Sheely?

11 A. I have no idea. All I know is I think it was using the
12 emotional time and bringing Barb in there. Why would
13 you want to embarrass her again in front of the judge
14 and in front of your attorney if not to use it as an
15 emotional ploy.

16 Q I need you to clear something up for me. I have two
17 documents, both of which have been verified by you.
18 I'll show you the verification. This is titled
19 Plaintiff's Response to Defendant Joseph Osenkarski's
20 Interrogatories, and this is a verification. Is that
21 your signature?

22 A. Yes, it is.

23 Q And I also have there was responses to Defendant
24 Commonwealth of Pennsylvania's Ninth Judicial District's
25 Interrogatories, and that also contains a verification

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1 been shredded?

2 A. Well, I'm saying they -- the whole idea is whenever you

3 have these things you've got to get rid of the fact that

4 it's the juvenile. You've got to get rid of it so

5 people can't go through the trash and find out

6 information like this.

7 I don't know whether they took it down to central,

8 you know, shredding machine, or what. I know we have

9 one in our office now and they had one at Children and

10 Youth, but I just don't remember this time frame whether

11 we actually had one there or not. But I know it was

12 taken care of so these were not found in the trash cans.

13 Q Is this the document that you were referring to before

14 that Mr. Graham wadded up and threw at you?

15 A. This one?

16 Q Yes.

17 A. No, it is not.

18 Q Was it a document similar to this?

19 A. It was part of this. It was a list of victims and the

20 contacts I had had with them.

21 Q You said that he actually wadded up this piece of paper

22 and threw it in your face?

23 A. Yes, he did.

24 Q And you're sure he threw it in your face?

25 A. Yes, I am.

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1 Q Do you still have Varner 7 in front of you? Varner 7

2 was the running diary that you had kept.

3 A. Yes.

4 Q Turn to the page that's marked 5 at the top.

5 A. (Witness complied.)

6 Q Are you with me?

7 A. Yes.

8 MS. WALLET: I'm not.

9 (Discussion held off the record.)

10 BY MR. MACMAIN:

11 Q Looking at paragraph, about a third of the way down it

12 says discussed cases, some direction?

13 A. Right.

14 Q I can't read your handwriting. Another list has to?

15 A. Be in separate, has to be in separately. I already had

16 one list and he was asking for another list.

17 Q And then reading on further: Crumpled victim list,

18 threw it on the desk. You see that?

19 A. Yes.

20 Q Did he throw it in your face or did he throw it on the

21 desk?

22 A. I was sitting at the desk and he threw it at me and it

23 landed on the desk. But he threw it at me.

24 Q Did it hit you in the face first?

25 A. No, it didn't hit me, but he threw it at me.

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1 Q Did you testify yesterday that he hit you in the face

2 with the paper?

3 A. He threw it at my face.

4 Q Did you write that in your statement at the time, that

5 he threw it at your face? Or did you put on there he

6 threw it on the desk?

7 A. It says here: Threw it on the desk. It was at the

8 direction of my face. I was sitting at the desk and he

9 was standing.

10 Q But you would agree with me it says nothing in here when

11 you took your notes that he threw it at your face?

12 A. I was sitting at my desk, he was standing above me and

13 he threw it at me. It came right at me. And he didn't

14 throw it down, he threw it towards my face direction.

15 Q But you would agree on your notes that you took at the

16 time this occurred you mentioned nothing about being

17 thrown at your face?

18 A. It says threw it on the desk. It doesn't say where it

19 went before it hit my desk. He didn't throw it down at

20 my desk, he threw it at me.

21 Q You had said yesterday that someone in the office

22 commented to you about you think that Gary was getting

23 his Barbs mixed up. Do you remember stating that?

24 A. Yes.

25 Q Who said that?

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1 A. Mr. Christlieb. Darby Christlieb.

2 Q Did anybody else say that to you?

3 A. Not that I can recall.

4 Q You were asked yesterday about an incident in which you

5 claim Mr. Graham made a comment about a peter meter.

6 A. Yes.

7 Q And you also said that someone had, the female at issue

8 had a medical diagnosis, correct?

9 A. Yes.

10 Q Was there a doc's note or anything, medical proof of

11 that?

12 A. Yes. Within her file she had seen a psychologist and

13 also medical doctor, and I believe there was -- I know

14 there's a report from the doctor and I'm not sure if I

15 had a -- I don't believe I actually got anything from

16 the therapist. But the doctor had diagnosed her and I

17 did have reports on that.

18 Q Did you provide reports as part of the case file?

19 A. Yes. I requested medical records.

20 Q The comment that Mr. Graham had made, did you actually

21 hear it or did somebody tell you he said that?

22 A. No, he said it directly to me.

23 Q Do you recall Mr. Graham speaking in his office with

24 someone else about this issue?

25 A. No.

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- 1 Q He said it to you directly?
- 2 A. **He said it directly to me. Mr. Thielemann was in his**
- 3 **office but he said it directly to me.**
- 4 Q You were asked about a birthday card that Mr. Graham had
- 5 given you, and I think you said it was January of '96?
- 6 A. **Yes.**
- 7 Q How do you know? How can you date it? How do you know
- 8 the year?
- 9 A. **That was my -- well, I remember that's the year it**
- 10 **happened.**
- 11 Q How is it that '96, is there some something that
- 12 triggers that year in your mind?
- 13 A. **I was not working in Juvenile Probation in January of**
- 14 **'95. It had to be '96, because in '97 there was a lot**
- 15 **of problems. That's when all these things were**
- 16 **happening. So that's the only year that's left.**
- 17 Q So you're certain it was January of '96?
- 18 A. **Yes, I am.**
- 19 Q Okay. When you received that card, did you say anything
- 20 to Mr. Graham?
- 21 A. **I did not.**
- 22 Q And you didn't tell anybody else in the office about it?
- 23 A. **Like I said yesterday, he put it inside of my briefcase,**
- 24 **I took it home. As I redd out my briefcase several, I'm**
- 25 **not even sure it was weeks, not even weeks, days ago,**

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- 1 **after that, I just filed it away with a lot of other**
- 2 **miscellaneous papers to clean out my briefcase.**
- 3 Q You said you had gone on 20, approximately 20 trips with
- 4 Mr. Graham prior to coming into the Department?
- 5 A. **Prior to coming?**
- 6 Q Prior to coming into the Department you had, I forget
- 7 the term you used, called these trips, visits?
- 8 A. **I was part of Juvenile Probation when those trips**
- 9 **happened.**
- 10 Q Did you take any of these trips with him -- and you
- 11 talked about Debra Green -- anyone else that you took
- 12 these type of trips with?
- 13 A. **Yes. I went with Hank Thielemann, Nick Barolet. I went**
- 14 **supervising -- no, that's not when I was in Probation.**
- 15 **Kerry Houser. I cannot think of any other at this time.**
- 16 Q Any of those people that you mentioned, can you estimate
- 17 how many trips you took with each?
- 18 A. **Debra Green, maybe two or three. Kerry, one that I**
- 19 **recall. Hank, one that I recall. And Nick, I believe**
- 20 **two.**
- 21 Q You talked about yesterday about an incident in which
- 22 you were in the car with Mr. Graham and he told you
- 23 about his wife's problems and you had suggested that
- 24 they ought to see a counselor?
- 25 A. **Right.**

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- 1 Q Did you give names of counselors?
- 2 A. **Yes, I did make suggestions of places they could go for**
- 3 **counseling.**
- 4 Q How were you aware of these places?
- 5 A. **Because I was always considered the resource person in**
- 6 **Children and Youth and in Probation, hooking families up**
- 7 **with counseling services. That was part of my job.**
- 8 Q Had you seen any of these marital counselors yourself?
- 9 A. **No, I had not.**
- 10 Q Have you ever seen a marriage counselor?
- 11 A. **No, I have not.**
- 12 Q You said Mr. Graham was driving 90 miles an hour?
- 13 A. **About 95 miles an hour.**
- 14 Q How long was he driving at that speed?
- 15 A. **It seemed like an eternity. I'd say at least five**
- 16 **minutes, through construction.**
- 17 Q This was on I-81?
- 18 A. **Yes.**
- 19 Q And was the entire five minutes through a construction
- 20 zone, or only a portion?
- 21 A. **Most of it's through construction.**
- 22 Q How do you know? Did you actually look at his
- 23 speedometer?
- 24 A. **Yes, I did.**
- 25 Q And did Mr. Graham get a ticket, pulled over?

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- 1 A. **No, he did not.**
- 2 Q During any of the other times that you drove with
- 3 Mr. Graham, had he ever driven at that rate of speed
- 4 before?
- 5 A. **Not quite that high, but he would go very -- he would**
- 6 **travel maybe 80 miles an hour. And a lot of concerns**
- 7 **you had, Gary was on the phone, a lot of his -- while he**
- 8 **was driving a lot of times. And another concern, he had**
- 9 **a juvenile usually in the back with us.**
- 10 Q On a cell phone?
- 11 A. **Um-hum.**
- 12 Q Did you report this to anybody?
- 13 A. **Mr. Drachbar, another officer in our department, was**
- 14 **well aware of that, because he said he drives way too**
- 15 **fast. But who was I going to say anything to?**
- 16 **Mr. Osenkarski, I think he had already let me know that**
- 17 **Mr. Graham was in charge.**
- 18 Q My question was: Did you report this to anybody?
- 19 A. **No, I didn't.**
- 20 Q Did Mr. Graham ever get a ticket while you were driving
- 21 with him?
- 22 A. **No, he didn't.**
- 23 Q Did he ever get pulled over?
- 24 A. **Not that I recall.**
- 25 Q I assume the vehicle you were driving in didn't look

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1 criminal justice system you couldn't file a Protection
2 From Abuse on your own?
3 **A. I never went through that process. No.**
4 Q Did you deal with any of your cases over the years in
5 which there were PFAs as part of the file or part of the
6 procedure that you dealt with?
7 **A. Certainly. But I just was never in that part of the**
8 **procedure, in that process. I would send them to -- I'd**
9 **always send it to Legal Services. That's where I would**
10 **refer my clients to.**
11 Q You said it was a complicated procedure. You do have a
12 master's degree and you're working on a --
13 **A. Right, Ph.D.**
14 Q -- Ph.D. You thought it would be too complicated for
15 you to be able to fill out?
16 **A. Not too complicated. I just didn't want to get -- I**
17 **was hoping, like I said, that we could handle this**
18 **internally, I did not have to go through the process of**
19 **bringing criminal charges against. I had my faith in**
20 **the county that they would do what had to be done. And**
21 **we were informed that we would be pleased with their**
22 **investigation.**
23 Q Did you ever ask anybody from the county to fill out a
24 PFA for you?
25 **A. No, I did not.**

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1 Q The preparation of a PFA, and I don't want you to tell
2 me what you may have discussed with legal counsel, but
3 did that issue ever come up?
4 MS. WALLET: Objection. How can she possibly
5 answer that question unless it would call for an answer
6 related to a discussion with an attorney? I object and
7 I instruct her not to answer.
8 BY MR. MACMAIN:
9 Q You had legal counsel since early '97, correct?
10 Relating to these episodes?
11 **A. In '97, yes, I contacted counsel.**
12 Q And that would be your current attorney?
13 **A. Yes, it is.**
14 Q Have you ever consulted any other attorneys besides
15 Attorney Wallet?
16 **A. As far as the case? No.**
17 Q Can you tell me when you first retained Attorney wallet?
18 **A. I don't have Tony Wallet, I have Debra Wallet.**
19 Q I said Attorney Wallet, I'm sorry.
20 **A. I thought you said Tony Wallet.**
21 MS. WALLET: It's that New York accent.
22 THE WITNESS: I don't remember the exact date. I
23 know it was spring of '97.
24 BY MR. MACMAIN:
25 Q At any point prior to making your complaint with the

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1 county, did you ever speak to Mrs. Graham?
2 **A. There was an occasion she came into the office. I**
3 **remember speaking with her maybe once or twice.**
4 Q Would this be small talk?
5 **A. Yes. Yes.**
6 Q Did you ever consider speaking to her about -- speaking
7 to her directly about getting counseling?
8 **A. No. I didn't know her that well, and I didn't have the**
9 **occasion to see her.**
10 Q Did you ever speak to her about her husband?
11 **A. No, I did not.**
12 Q You talked yesterday about an incident involving being
13 measured for a bulletproof vest and Mr. Graham made a
14 comment?
15 **A. Yes.**
16 Q Can you tell me when that was?
17 **A. '96. '95 to '97. '95 to '96. In that time frame. I**
18 **don't remember exactly when it was. I know they were**
19 **talking about, you know, gun training and all that and**
20 **that's the reason we were looking at getting bulletproof**
21 **vests.**
22 Q Do you actually wear a bulletproof vest, or did you?
23 **A. I have, as needed.**
24 Q Do you remember when you were first issued a bulletproof
25 vest?

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1 **A. I don't remember the date, no.**
2 Q Can you tell me the year?
3 **A. I'm guessing '96.**
4 MS. WALLET: Can I have a five-minute break,
5 please?
6 MR. MACMAIN: Sure.
7 (Recess taken from 2:39 until 2:50 p.m.)
8 BY MR. MACMAIN:
9 Q You had said yesterday you've seen three mental health
10 professionals since all this occurred?
11 **A. Yes.**
12 Q Dr. Morand, Laurie Walker, and Elaine McKenna?
13 **A. Elaine McKenna, yes.**
14 Q Who was the first?
15 **A. Laurie Walker.**
16 Q Was the first person you saw?
17 **A. Yes, she was.**
18 Q How did you come to see Laurie Walker?
19 **A. Went through the EAP program at work.**
20 Q Do you recall when you first saw Laurie Walker?
21 **A. I don't recall the date. Spring of '97.**
22 Q As a result of the alleged incidents in this case, have
23 you sought any type of marital counseling?
24 **A. I have not.**
25 Q Have you had any marital problems as a result of these

1 Q Did someone tell you it might be a good idea to keep a
2 list?
3 A. **After I met with my therapist she advised that I do.**
4 Q But you had already started keeping the list before you
5 met with your therapist.
6 A. Yes, but she suggested I continue on. And my attorney
7 also recommended I do this, just for documentation sake.
8 Q So you kept the list but you didn't tell anybody until
9 the spring of '97, correct?
10 A. **Right. Just my therapist, that's correct.**
11 Q But prior to the spring of '97 you had not told anybody
12 at the county or the courts about these various things
13 that you were keeping a diary on?
14 A. **No. No, I did not.**
15 MS. WALLET: I have to object to the form of the
16 question. Was your question did you tell anyone at the
17 county about the documents? Or did you tell anybody at
18 the county about the things recorded in the document?
19 MR. MACMAIN: I thought the question was clear but
20 I'll ask it again.
21 BY MR. MACMAIN:
22 Q Did you tell anybody at the county or the courts about
23 the things that you had written about, not the document,
24 but the various things you kept your running list on
25 prior to the spring of '97?

1 A. Well, some of the things, like things that occurred with
2 other people, like with Debra Green, she was aware of
3 the document, the things that had happened in here.
4 Q If you turn to about halfway through, the pages that
5 have dates and just little notations next to them?
6 A. **Right, right.**
7 Q The first page will have, looks like a 30 with a slash
8 and a 6 at the top?
9 A. **Right.**
10 Q And then the list of dates appears to go on for four
11 pages?
12 A. **Yes.**
13 Q Can you tell me where these dates came from?
14 A. These were from daily logs. My daily logs of, you know,
15 daily activities. I was trying to compile a list of
16 trips I had taken with Mr. Graham, or any trips I had
17 taken.
18 Q Where did these dates come from? Did these come from a
19 calendar that you kept?
20 A. **No. From my daily logs, daily we turn in every two**
21 **weeks.**
22 Q And you believe that these are all the trips that you
23 had taken with Mr. Graham?
24 A. **Some are not with Graham. They're just lists of --**
25 **there are a few that are not, but most of them were with**

1 **Mr. Graham.**
2 Q Why did you write all these down? What was the reason
3 why you did this list?
4 A. **It was in compiling all the paperwork for this.**
5 Q Why specifically would you keep a list of all the trips
6 that you had taken primarily with Mr. Graham?
7 A. **In preparation, after I started filing this and we**
8 **started realizing how many, just looking at the**
9 **documentation, trying to compile a list of how many**
10 **trips I had taken with him.**
11 Q Were these dates that someone at the county suggested
12 you write down or check into?
13 A. **No. I believe the conversation was with my attorney**
14 **about this.**
15 Q If you turn a few pages back, five pages from the end of
16 the document?
17 A. **Five pages from the back?**
18 Q From the back. At the top it will say called
19 Ms. Something, I can't read the name, it says 8/4.
20 A. **Called Ms. Gamiter.**
21 Q Right.
22 A. **Yes.**
23 Q Who is Ms. Gamiter?
24 A. **She was from the EEOC.**
25 Q Is this a narration of a conversation you had with Miss

1 Gamiter?
2 A. **No. I was just noting the day I called her.**
3 Q Looking at the entry for 5/29 --
4 A. **Okay.**
5 Q Called to Dave, it says, parenthesis. Who's Dave?
6 A. **Dave Deluce.**
7 Q And then after that it says, need to tell him, and
8 there's a series of names?
9 A. **Yes.**
10 Q Okay. The first name is Andy --
11 A. **Anderson.**
12 Q Who is Andy Anderson?
13 A. **He's assistant sheriff.**
14 Q Assistant chair what?
15 A. **Cumberland County.**
16 Q Why did you --
17 MS. WALLET: I'm sorry, I think she said sheriff.
18 MR. MACMAIN: I thought you said chair.
19 MS. WALLET: I can translate between Philadelphia
20 and Harrisburg.
21 BY MR. MACMAIN:
22 Q What did you need to tell Mr. Deluce about Andy --
23 A. **Anderson.**
24 Q -- Anderson?
25 A. **These were names that were, people were telling me of**

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1 people that Mr. Graham had had arguments with or gotten
 2 **in arguments with over the last years.**
 3 Q Andy I assume is a guy?
 4 A. **Yes, he is.**
 5 Q The next name is DJ Paula Correal?
 6 A. **Yes.**
 7 Q And that also was someone who you understood that
 8 Mr. Graham had had an argument with?
 9 A. **Yes.**
 10 Q Where do these names come from? Who gave these names to
 11 you?
 12 A. They were just names that were given to me by people in
 13 the office. Well, Gary Shuey, I had heard him yelling
 14 at him. Wendy Hoverter herself had told me, she was one
 15 of the supervisors at Children and Youth, she had told
 16 me about an argument, that was before, you know, years
 17 ago.
 18 And Sarah Costicki, I'm not sure who -- I think she
 19 might have been a victim witness person, I believe.
 20 This information was given to me -- I believe Sarah was
 21 from Kerry Houser.
 22 And Paula Correal, I don't remember who but
 23 somebody in the office. It was just a list of names
 24 that he had screamed at or had an argument that he was
 25 angry at them.

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1 Q They weren't people that Mr. Graham had allegedly
 2 sexually harassed, just that he had words with?
 3 A. **Yelled and screamed at them, that's all I knew.**
 4 Q And DJ Paula Correal, she's the district justice that
 5 found Mrs. Graham not guilty of harassment?
 6 A. She's the district justice who heard the hearing, who
 7 heard the --
 8 Q And she found Mrs. Graham not guilty of harassment?
 9 A. She, as I said before, she told Mrs. Graham to not
 10 repeat the behavior and that she felt it would be
 11 handled in another court.
 12 Q I'm not going to quibble with you over what was said,
 13 but Mrs. Graham was not convicted of the charges that
 14 were brought?
 15 A. **She was not convicted, that's correct.**
 16 Q Have you ever spoken to DJ Paula Correal about him?
 17 A. **No, I've not.**
 18 Q How about Andy Anderson?
 19 A. **I have not.**
 20 Q How about Wendy Hoverter?
 21 A. **Yes.**
 22 Q Ever spoken to her about Mr. Graham?
 23 A. **Yes.**
 24 Q And does she have a claim that Mr. Graham had ever
 25 sexually harassed her?

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1 A. **No. Just screamed.**
 2 Q How about, same question with regard to Gary Shuey, have
 3 you ever spoken to him about Mr. Graham?
 4 A. **No. I overheard him screaming at Mr. Shuey.**
 5 Q How about Sarah Costicki?
 6 A. **I don't -- I've only heard the name. I do not know her.**
 7 Q You talked this morning about Mr. Osenkarski getting
 8 shoes donated and then using them for personal use?
 9 A. **That's correct.**
 10 Q You did also get a pair of shoes from Mr. Osenkarski
 11 from the same group of free shoes?
 12 A. **I did not.**
 13 Q You didn't take any for your son or your daughter, your
 14 grandson?
 15 A. **I did not, no.**
 16 Q Was it your understanding that these shoes were, in
 17 fact, donated in large part to charitable organizations
 18 and so forth?
 19 A. They were supposed to be given to detention centers, but
 20 Mr. Graham had told me not to ever say anything to
 21 anybody, especially Mr. Osenkarski, that nobody was to
 22 know that they were doing this. So it was obviously --
 23 if it was just for that purpose there was no reason for
 24 the secrecy. But that was kept very -- I was to keep
 25 that very confidential.

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1 Q How did you even know about it?
 2 A. **He had taken pairs -- he told me he was picking them up.**
 3 They would go down and pick up several boxes with a
 4 trailer of his. And on one of the trips, when I spoke
 5 about going up to Clarks Summit to pick up a girl and
 6 taking her to New Jersey, he had several pairs of shoes
 7 in the car for his sister and for his niece and he gave
 8 them to them.
 9 Q When you're talking about he, is that Mr. Graham or
 10 Mr. Osenkarski?
 11 A. **Mr. Graham.**
 12 Q And you at no point ever took any shoes for yourself --
 13 A. **I did not take --**
 14 Q -- or your family members?
 15 A. **No. I did not.**
 16 Q You were asked some questions this morning about who was
 17 involved in this conspiracy, who you believe was
 18 involved in this conspiracy, and you mentioned Mr. and
 19 Mrs. Graham and you had also said you believe Judge
 20 Sheely was involved in this conspiracy. Do you recall
 21 answering that question?
 22 A. **I remember having a discussion on that, being questioned**
 23 **about that.**
 24 Q Do you believe that Judge Sheely wanted to believe there
 25 had been an affair?

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1 A. I think Judge Sheely wanted to resolve the thing and I
2 believe he was very sympathetic to Mrs. Graham because
3 of her crying.
4 Q Was it your belief that Judge Sheely doesn't think there
5 was an affair, this whole thing was a hatched plan?
6 A. I don't think Judge Sheely really knows what happened,
7 and I don't think he was willing to look into it more
8 than what he did, from that one time, the alleged
9 confession.
10 Q You made reference to a long meeting that you understand
11 took place between Mr. Graham, his wife and David
12 Foster?
13 A. That's correct.
14 Q Do you believe Mr. Foster is in on this conspiracy?
15 A. I don't know that.
16 Q And it's your belief that Mr. Graham made up this whole
17 story about the affair?
18 A. Yes, it is my belief.
19 Q And you believe he would reveal or make up this story
20 about an affair and jeopardize his marriage?
21 A. He always told me that there's no fear of divorce
22 because his wife's Catholic and she'll never leave him.
23 Q You believe that Mr. Graham would make up this story at
24 the expense of hurting his children?
25 A. What I heard about Mr. Graham about smashing the

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1 birthday cake and such, I don't think his agenda was
2 what was best for his children. His agenda appeared to
3 be what was best for him.
4 Q Did you ever speak to your husband about this accusation
5 of having an affair with Mr. Graham?
6 A. Yes, I did.
7 Q When did you discuss it with your husband?
8 A. When the allegations were first made, when this whole
9 thing, with Judge Sheely, the day after I spoke, or the
10 day of my speaking with Judge Sheely.
11 Q And I assume you told your husband there wasn't an
12 affair?
13 A. It never came up. He knows I did not have an affair.
14 Q Did you have a discussion with him about it?
15 A. He didn't ask me if I did or not. He knows I did not.
16 Q He didn't question you at all?
17 A. No. I told him I did not, and he believed me.
18 Q Just a couple questions. In your Complaint you talked
19 about yesterday, and I'll just read the portions I'm
20 specifically interested in, paragraph 54, you made the
21 allegation that individuals Graham and Osenkarski have
22 aided and abetted violations of the PHRA by directly
23 discriminating against Varner and by conspiring with the
24 county and the Court to engage in acts which violate the
25 PHRA.

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1 Can you tell me what specifically Mr. Graham did to
2 conspire with Mr. Osenkarski and/or the courts and/or
3 the county?
4 A. I believe there's discussion between him and
5 Mr. Osenkarski about the case, about what they just --
6 discussion on the case. I think there was discussion
7 with Judge Sheely about the case, without us being
8 involved.
9 Q Do you believe that Mr. Graham and Mr. Osenkarski spoke
10 to Judge Sheely together, the two of them?
11 A. I believe Mr. Graham did and I believe Mr. Osenkarski
12 did as well, yes.
13 Q Do you believe that -- tell me specifically what you
14 believe Mr. Osenkarski's role in this conspiracy is.
15 A. I believe there was a discussion with Judge Sheely and
16 even with Judge Hoffer about this whole case. I think
17 there's an ongoing rapport between all of them about
18 this case.
19 Q Can you point to any specific dates or months you think
20 these conversations have taken place?
21 A. I would not be privileged to the dates and times. I
22 just feel it was an ongoing discussion.
23 Q You believe the conspiracy is continuing to today?
24 A. I think it is. I think that there's -- not, maybe not
25 with Mr. Graham and Judge Hoffer, but with

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1 Mr. Osenkarski and Judge Hoffer, yes.
2 Q I show you a document I don't think we've marked before.
3 This will be Varner 16. We'll have to make copies.
4 (Varner Deposition Exhibit No. 16 was marked.)
5 BY MR. MACMAIN:
6 Q I just want to ask you about one reference. We're
7 looking at Varner 16, a memo from Dan Hartnett to you
8 April 25, 1997. There appears to be a Post-It note on
9 the upper right-hand corner. Dan, slash, Dave to let
10 you know Joe and Gary both have guns locked in our
11 office with ammo locked in a closet, Barb Varner.
12 Did you write that?
13 A. Yes, I did.
14 Q Do you believe that Mr. Graham and Mr. Osenkarski had a
15 locked gun?
16 A. Yes, they did.
17 Q And have you actually seen these guns?
18 A. Yes, I did.
19 Q Did anybody else see these guns?
20 A. Yes. Everybody in the office knew they were there.
21 Q And you've actually seen those guns locked in the gun
22 cabinet?
23 A. Yes, I have.
24 Q When did you see them?
25 A. Just as soon as we started getting guns, we would see

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1 Some of them are not legible here today. I've not had
2 an opportunity to review them in detail, and some of
3 them I can't read. I will ask Deb for the opportunity
4 to review the originals, and depending on what I find in
5 them, if there's something there that has not been
6 adequately covered in the deposition, I would reserve
7 the right to request to recall Mrs. Varner to question
8 her about anything here, since the documents were not
9 earlier produced and should have been.

10 With that, I have nothing further.

11 MS. WALLET: For the record, I'd like to note that
12 they were produced in July with a specific note that
13 they were being sent to the requesting counsel and that
14 they would be made available at any mutually convenient
15 time or a set would be produced.

16 MR. THOMAS: If fairness, they should have been
17 provided to each counsel and served on them. I don't
18 know whether -- I don't want to get in a fight over it.
19 I don't know whether that's adequate or not. The fact
20 of the matter is, they weren't produced before today,
21 and I saw them for the first time this morning. And it
22 may be that there's nothing there. She's obviously been
23 examined intensively, and I know that some of these
24 notes were probably used in conjunction with the
25 Complaint, so I'm not sure there will be any surprises.

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1 Let me ask her one question about that.

2 BY MR. THOMAS:

3 Q Barb, these notes that you've testified about
4 extensively today I assume were made contemporaneous
5 with the dates that are contained in the notes; is that
6 correct?

7 A. **That's correct.**

8 Q So for instance, on the first page I see a note of
9 December 16th, and as I understand that note, then,
10 would have been transcribed by you on that date, the
11 date of December 16th, correct?

12 A. **That's correct.**

13 Q So they were made contemporaneous with whatever date
14 appears on the particular page, and there are 28 pages
15 of notes here or something like that, right?

16 A. The only one that would be an exception would be the
17 trips that I went back through to try to compile that
18 off my daily logs.

19 Q And to the extent that there may be any conflict between
20 your recollection as you've described it over the last
21 two days, and these notes, I assume that you would agree
22 the notes would be more accurate than your recollection
23 today some years after the events? Is that fair?

24 A. **I would think so.**

25 MR. THOMAS: That's all I have.

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1 MR. ADAMS: I have a few more questions. It won't
2 take long.

3 BY MR. ADAMS:

4 Q Ms. Varner, do you have any correspondence, notes,
5 memos or any document or piece of evidence at all
6 supporting your claim that Mr. Osenkarski's conspired
7 against you in violation of PHRC?

8 A. I don't have paperwork. I've just heard that he's had
9 **conversations with Judge Hoffer.**

10 Q Who did you hear that from?

11 A. **At this time I can't recall names. It's just been
12 information, word of mouth in the office.**

13 Q Okay. So would you agree at this time you can't
14 identify any witness person at all to support your claim
15 that can testify and support your claim that
16 Mr. Osenkarski has conspired against you in violation of
17 PHRC? Is that correct?

18 MS. WALLET: I'm sorry, did you say witness?

19 MR. ADAMS: Witness or person who can testify in
20 support of her claims of a violation by Mr. Osenkarski.

21 THE WITNESS: I think the fact that I was kept out
22 of that office for four years, and that was a discussion
23 between Mr. Osenkarski and Judge Hoffer, I think
24 whatever that discussion was, Mr. Osenkarski I'm sure
25 and Judge Hoffer was aware that it was a public office.

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1 I'm sure there was discussion, and to me, that was a
2 retaliation.

3 BY MR. ADAMS:

4 Q But did you hear that discussion? Did you hear any
5 remnants of that discussion yourself?

6 A. **From Mr. Osenkarski, yes.**

7 Q You heard from Mr. Osenkarski that he was going to
8 conspire against you?

9 A. Well, no. That he had met with Judge Hoffer and that he
10 had been given this direction to keep me out of there.
11 To me, even those two talking about it is something that
12 **is illegal to keep me out of a public office.**

13 Q But you don't know, yourself, from anything you heard,
14 that Mr. Osenkarski conspired against you in violation
15 of the PHRC; is that correct? Yes or No.

16 A. **I'm just trying to think.**

17 **I did not personally witness that.**

18 Q And you can't identify any person at all who witnessed
19 or heard any type of conversation by Mr. Osenkarski or
20 Judge Hoffer that would be in violation of the PHRC
21 based on conspiracy?

22 A. **I think those two would be the ones to be able to
23 testify because it would have been private information,
24 private conversations.**

25 Q Would you agree that's strictly related to conversations